

PSJ19 Walmart Opp Exh 5 – Plaintiffs’ Responses to the Amended and Clarified Discovery Ruling
12 Supplemental Interrogatory Issued to Plaintiffs

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

IN RE NATIONAL PRESCRIPTION

OPIATE LITIGATION

This document relates to:

Track One Cases

MDL 2804

Case No. 17-md-2804

Hon. Dan Aaron Polster

**PLAINTIFFS' RESPONSES TO THE AMENDED AND CLARIFIED
DISCOVERY RULING 12 SUPPLEMENTAL INTERROGATORY ISSUED TO PLAINTIFFS**

Discovery Ruling 7 Reformulation of Pharmacy Interrogatory No. 7 and Distributor Interrogatory No. 23:

Identify each Suspicious Order for Prescription Opioids that you contend was shipped to Your geographic area by any National Retail Pharmacy Defendant or Distributor Defendant during the Relevant Time Period. For each order, identify the date the order was shipped, the manufacturerⁱ, name, and amount of the medication that was shipped, the name of the defendant that shipped the order, and the name and location of the person or entity that placed the order. Furthermore, explain the criteria you used to identify these Suspicious Orders.

Discovery Ruling 12 Supplemental Interrogatory:

For each National Retail Pharmacy Defendant and Distributor Defendant, identify 10 Suspicious Orders for Prescription Opioids that you contend were shipped to Your geographic area during the Relevant Time Period. For each order, identify the date the order was shipped, the manufacturerⁱ, name, and amount of the medication that was shipped, the name of the defendant that shipped the order, and the name and location of the person or entity that placed the order. Furthermore, explain in detail all criteria you used to identify these Suspicious Orders, including whether and why you contend (i) any due diligence actually conducted was insufficient, and (ii) the order was so suspicious that there was no amount of due diligence that could have removed every basis to suspect the customer was engaged in diversion.

January 18, 2019 Amendment to and Clarification of Supplemental Discovery Ruling 12 Interrogatory:

Plaintiffs must identify 10 suspicious orders from EACH jurisdiction in the Track One cases for each distributor & pharmacy defendant. This means at least 20 orders per defendant, since Cleveland is within Cuyahoga County and Akron is within Summit County; show how they used their Monthly Total Rule and Methods to identify the SOs listed in their response; and must also identify any other criteria they have used to identify these and other SOs; and should include a variety of recipient pharmacies and a variety of dates.

Preliminary Objections and Legal Limitations

The Bellwether Plaintiffs here renew and incorporate by reference their objections and assertions of legal limitation set out in each Plaintiff's Amended Responses and Objections to the National Retail Pharmacy Defendants' First Set of Interrogatories and Distributor Defendants' Fourth Set of Interrogatories to Plaintiffs, Reformulated Pharmacy Interrogatory No. 7 and Distributor Interrogatory No. 23, served on October 31, 2018, specifically including the introductory paragraph to those objections and assertions of legal limitation and paragraphs 1 – 11 (with related charts), as well as all objections and assertions of legal limitation set out in Plaintiff's Responses to Supplemental Discovery Ruling 12 Interrogatory, served on January 11, 2019, which the Bellwether Plaintiffs also assert here.

The National Retail Pharmacy Defendants and/or Distributor Defendants (collectively "Distributor Defendants") have refused to answer this very same discovery request, yet demand the Bellwether Plaintiffs do so without an adequate record and/or without the benefit of expert witness testimony. Nonetheless, the Bellwether Plaintiffs attempt to comply with the Court order in good faith.

The reformulated discovery request is a contention interrogatory. "Contention" interrogatories seek to clarify the basis for or scope of an adversary's legal claims. *Starcher v. Corr. Med. Sys., Inc.*, 144 F.3d 418, n.2 (6th Cir. 1998), *aff'd sub nom. Cunningham v. Hamilton Cty., Ohio*, 527 U.S. 198 (1999). The answer to this contention interrogatory "does not limit [our] experts from using different criteria to identify suspicious orders, and therefore from concluding that there exist suspicious orders in addition to those identified [herein]." Discovery Ruling No. 7, p. 6.

The Bellwether Plaintiffs reserve the right to supplement this answer if, or when, the Distributors fully and transparently respond to discovery. For the purposes of responding to this supplemental interrogatory, Plaintiffs have not attempted to identify every suspicious order, nor have Plaintiffs applied every reasonable method for identifying suspicious orders.

The Bellwether Plaintiffs reserve the right to supplement this answer if, or when the Distributors disclose the system(s) the Distributors designed and operated sufficient to detect suspicious orders using Distributors' own metrics.

The Bellwether Plaintiffs reserve the right to supplement this answer through expert witnesses pursuant to the Scheduling Order entered by the Court.

The Bellwether Plaintiffs contend that the Distributor Defendants shipped [REDACTED] hydrocodone pills and [REDACTED] oxycodone pills into Cuyahoga County between 2006 and 2014. The Bellwether Plaintiffs contend the Distributor Defendants shipped [REDACTED] hydrocodone pills and [REDACTED] oxycodone pills into Summit County between 2006 and 2014. The bellwethers contend the sheer volume of opioid pills shipped is indicative the distributors failed to maintain "effective control against diversion of particular controlled substances into other than legitimate medical, scientific, and industrial channels." 21 U.S.C.A. § 823(b)(1) [1970].

The Bellwether Plaintiffs contend each Distributor owes a duty under federal law to maintain "effective control against diversion of particular controlled substances into other than legitimate medical, scientific, and industrial channels." 21 U.S.C.A. § 823(b)(1) [1970]. This duty has been defined to include the following obligations:

The “security requirement” at the heart of this case mandates that distributors “design and operate a system” to identify “suspicious orders of controlled substances” and report those orders to DEA (the Reporting Requirement). 21 C.F.R. § 1301.74(b). The Reporting Requirement is a relatively modest one: It requires only that a distributor provide basic information about certain orders to DEA, so that DEA “investigators in the field” can aggregate reports from every point along the legally regulated supply chain and use the information to ferret out “potential illegal activity.” *Southwood Pharm., Inc.*, 72 Fed. Reg. 36,487, 36,501 (Drug Enf’t Admin. July 3, 2007). Once a distributor has reported a suspicious order, it must make one of two choices: decline to ship the order, or conduct some “due diligence” and—if it is able to determine that the order is not likely to be diverted into illegal channels—ship the order (the [No-]Shipping Requirement).

Masters Pharm., Inc. v. Drug Enf’t Admin., 861 F.3d 206, 212–13 (D.C. Cir. 2017) (emphasis added) (bracket inserted). The bellwethers served discovery upon the Distributors, asking the Distributors to identify the “system” each distributor “designed and operated” but were limited by the Court to a period of time beginning in 2006 and extending to the present. Discovery revealed each Distributor used a different “system” at different times. The Bellwether Plaintiffs have attempted to replicate Defendants’ “systems” in order to determine which orders should have been identified as suspicious thereby triggering the Reporting Requirement and the [No-] Shipping Requirement.

Despite repeated motions to compel, limitations including, without limitation, the following remain and impede Bellwether Plaintiffs’ ability to fully respond to this request at this time:

A. Post-Shipment Review Based on the DEA’s Chemical Handler’s Manual (2004) and/or the DEA’s Report to U.S. Attorney General by the Suspicious Order Task Force.

Cardinal Health, and various other Distributor Defendants, adopted some form of a national average multiplier from the DEA’s Chemical Handler’s Manual (2004) and/or the DEA’s Report to U.S. Attorney General by the Suspicious Order Task Force (1998). Both provisions are nearly identical and arise out of the compliance requirements set forth in The Comprehensive Methamphetamine Control Act of 1996, 21 U.S. Code § 830 (“Each regulated person shall report to the Attorney General, in such form and manner as the Attorney General shall prescribe by regulation any regulated transaction involving an extraordinary quantity of a listed chemical, an uncommon method of payment or delivery, or any other circumstance that the regulated person believes may indicate that the listed chemical will be used in violation of this subchapter.”). To comply with federal law, each distributor tracks the sale of controlled substances and OTC medications *which contain certain chemicals* including those used to make methamphetamine. The total weight of such chemicals are added and then measured against a multiplier of a national average. Sales in excess of this “threshold” are then reported to the DEA after shipment.

Cardinal Health and various other Distributor Defendants used this methodology to monitor sales of prescription opiates, including hydrocodone and oxycodone, between 2000 and 2008. Cardinal Health, for example, generated an “Ingredient Limit Report” based on a computer program which monitors customer-controlled substance purchases for a month and compares these purchases to predetermined averages or limits. However, the methodology for calculating the predetermined averages or limits has not been disclosed. Nor has any justification been proffered for Cardinal’s use of a 4x multiplier (higher than the multiplier used to detect “extraordinary

quantities” of methamphetamine chemicals). The Bellwether Plaintiffs contend that using a formula for detection of extraordinary quantities of chemicals used to make methamphetamine may not be appropriate to detect unusual orders of prescription opiate pills. Nonetheless, it is impossible to apply even this formula to the transactional data until Cardinal Health and others disclose the full set of underlying variables within each formula utilized by Defendants to detect suspicious orders of prescription opioids.

The Bellwether Plaintiffs have attempted to replicate a national average multiplier using a factor of 3x (extraordinary) and 2x (more than unusual) premised upon a national average we calculated from the available ARCOS data. The bellwethers intend to supplement this response if, or when, the distributors disclose the actual variables historically applied over time.

2. Test for Review of Individual Orders Pre-Shipment

Cardinal Health and other Distributor Defendants also adopted some form of a metric which purported to monitor individual orders in real time which may be suspicious. For example, Cardinal Health adopted Policy No. DEA04.00 entitled Required Reports to DEA (effective from 2000 to 2006) which established written criteria of what constitutes a suspicious order. The policy mandates: (i) the criteria must be reasonable and based upon customer purchasing patterns; (ii) each facility must adhere to the established criteria in monitoring orders; and (iii) monitoring system may be either computerized or manual. However, like all other Distributor Defendants, the written criteria, the metrics to identify purchasing patterns, and the full results of applications have all not yet been fully disclosed. Thus, it is presently impossible to apply each Distributor Defendants’ actual criteria to its transactional data.

By way of another example, McKesson Corporation adopted a policy (2000 through the end of 2006) which utilized a computer algorithm referenced as the “Drohan report” to detect individual suspicious orders. However, McKesson has failed to produce any evidence that such a system was in operation nor has it produced any work product generated from its system arising out of CT1.

In the meantime, the Bellwether Plaintiffs have attempted to replicate “a” rule set forth in the *Masters Pharm., Inc. v. Drug Enf’t Admin.*, 861 F.3d 206 (D.C. Cir. 2017). In *Masters Pharmaceutical*, the United States Court of Appeals for the District of Columbia Circuit issued the following instructive analysis:

More fundamentally, the key question in this case is not whether held orders qualified as “suspicious” under Masters’ policies; the question is whether they qualified as “suspicious” under 21 C.F.R. § 1301.74(b). Thus, while Masters frames its challenge on this point in substantial-evidence terms, the relevant inquiry is more legal than factual: It asks how far the language of the regulation reaches. Undertaking that legal exercise, the Administrator reasonably determined that all held orders were “suspicious” within the meaning of the regulation. Section 1301.74(b) provides that “[s]uspicious orders include orders of unusual size, orders deviating substantially from a normal pattern, and orders of unusual frequency.” Apparently tracking that regulatory language, the Computer Program held an order if: **(a) that order—combined with other orders placed in the same 30-day period—requested more doses of a controlled medication than the pharmacy had requested in any of the previous six calendar months;** (b) the pharmacy ordered a controlled

medication more frequently in a 30-day period than it had in any of the previous six calendar months; or (c) the pharmacy's ordering pattern for a controlled medication deviated in some other notable way from its ordering pattern over the previous six months. As a matter of common sense and ordinary language, orders that deviate from a six-month trend are an “unusual” and not “normal” occurrence. It was therefore entirely reasonable for the Administrator to hold that orders held by the Computer Program met the regulatory definition of “suspicious orders” unless Masters' staff dispelled the suspicion.

Masters Pharm., Inc. v. Drug Enf't Admin., 861 F.3d 206, 216–17 (D.C. Cir. 2017) (internal citations omitted) (emphasis added).

The application of the Masters “common sense rule” is incomplete without the due diligence files. For instance, there is no dispute that each transaction reported in ARCOS was actually shipped regardless of whether it was initially flagged as suspicious. Therefore, flagged orders should have been “cleared” through due diligence in order to have been properly shipped. However, discovery has revealed no such due diligence. The failure to conduct due diligence renders each successive order suspicious. Therefore, the bellwether plaintiffs have applied the Masters “common sense rule” as if no due diligence was conducted.

C. Caps on Daily Orders

CARDINAL HEALTH (and perhaps others) implemented a cap on individual orders by posting a sign in the warehouse of a Dosage Limit Chart which blocks daily orders in excess of a dosage limit. The bellwether plaintiffs intend to disclose expert witness testimony which identifies each daily order which exceeded the vault cap.

D. Thresholds or Ceilings

McKesson and Distributor Defendants implemented thresholds or ceilings at various times which purportedly blocked all orders in excess of a predetermined volume until cleared by due diligence. These thresholds appear to have been exponentially increased over time without any justification in the record. The Bellwether Plaintiffs intend to apply the McKesson threshold across the entire industry as evidence of what a reasonably designed system should have identified as suspicious.

The bellwether Plaintiffs have identified the suspicious orders identified in Exhibits A (Cuyahoga County) and B (Summit County) hereto as suspicious based on the unusual size of the order(s), the unusual frequency of the order(s), the variance of the order(s) from the usual pattern, and/or the shipment of the order(s) where the recipient pharmacy or the prescribing physician's license had been revoked, as further explained in Exhibits A and B. With regard to each identified order, either the order was so suspicious that no due diligence could have removed every basis to suspect the customer was engaged in diversion and/or Plaintiffs have been unable to identify sufficient due diligence conducted by the Defendant with respect to that order, as further explained in Exhibits A and B.

Subject to, and without waiving, those objections and assertions of legal limitation, the bellwether Plaintiffs state as follows:

ANSWER: In a good faith effort to meet their obligations and to comply with Discovery Ruling 12 as Amended, which directs that this supplemental interrogatory be responded to at this time, Plaintiffs respond with the suspicious orders, and information regarding the same, as set out in the documents attached hereto.

The criteria utilized to identify these suspicious orders, as identified in the attached charts and documents, are as follows, calculated from the available ARCOS data:

1. **“Two Times Rule”** - (“Exceeding Threshold of Two Times the National Average): Any order(s) in a month such that the cumulative shipments in dosage units that month exceeds two times the national average shipments by the Defendant to all pharmacies to which it shipped the same month is considered suspicious.
2. **“Three Times Rule”** - (“Exceeding Threshold of Three Times the National Average): Any order(s) in a month such that the cumulative shipments in dosage units that month exceeds three times the national average shipments by the Defendant to all pharmacies to which it shipped the same month is considered suspicious.
3. **“Common Sense Method Two”** - (“Exceeding Threshold of Initial 6 Months and Assuming No Due Diligence”): Any order(s) in a month such that the cumulative shipments that month exceeds the largest monthly shipments in any of the initial six months of the applicable dataset is considered suspicious. Method 2 assumes such orders were cleared and shipped with no due diligence. The threshold does not increase beyond the largest monthly shipment during the initial six months because each and every order shipped thereafter in excess of the largest monthly shipments is considered unlawful.
4. **“Common Sense Method Three”** - (“Previous 6 Months Threshold is Triggered and Assuming No Due Diligence”): Once an order(s) in any month causes the cumulative shipments that month to exceed the largest monthly shipments in any of the previous six months all subsequent orders are considered suspicious. Method 3 assumes no due diligence on the first suspicious order(s) and as a result, each and every order shipped thereafter to that individual buyer is unlawful.
5. **“McKesson 8000 Rule”** - McKesson Corp. “designed and operated” a suspicious order monitoring system (SOMS) titled Lifestyle Drug Monitoring Program beginning which it represented to the United States Department of Justice was operational as of May 1, 2007, and held all orders of oxycodone in excess of 8,000 doses in a given month until due diligence was performed. Depo. Hartle (McKesson corporate designee) at p. 179-212, Exhibit 17 and 19. This methodology was applied to both oxycodone and hydrocodone.

Dated: January 25, 2019

Respectfully submitted:

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ⁱ Due to the limitations of the ARCOS database, Plaintiffs must substitute “labeler” for “manufacturer” in their response. Labeler information was derived using the National Drug Code Number assigned to the product under the National Drug Code System of the Food and Drug Administration code for each drug and cross referencing against the Food and Drug Administration, National Drug Code Directory and list of NDC/NHRIC Labeler Codes.

A list of NDC/NHRIC Labeler Codes is available at:

<https://www.fda.gov/ForIndustry/DataStandards/StructuredProductLabeling/ucm191017.htm>.

Food and Drug Administration, National Drug Code Directory available at:

<https://www.deadiversion.usdoj.gov/arcos/ndc/ndcfile.txt>

<https://www.deadiversion.usdoj.gov/arcos/ndc/readme.txt>

Additionally, the ARCOS Registrant Handbook provides the following definitions relating to labeler: A packer/repacker is a registrant that packs a product into a container (i.e., packer) or repacks a product into different size containers, such as changing a package of 50 capsules to 5 packages of 10 capsules each. A labeler/relabeler is a registrant that affixes the original label to a product (i.e., labeler) or changes in any way the labeling on a product without affecting the product or its container (i.e., relabeler). The “relabel” term implies that the package size remains unchanged with changes being made only in brand name, NDC number, distributor, etc.

Registrant Handbook at 6-2, available at:

<https://www.deadiversion.usdoj.gov/arcos/handbook/full.pdf#search=arcos%20handbook>.

Exhibit A

(Cuyahoga County)

Suspicious Order No.	Distributor	Buyer DEA Number	Name, Address, and Store Number of Buyer	Base Code	NDC Code	Date of Order	Product Name	Dosage Strength	Dosage Units	Labeler*	Due Diligence Performed Y/N	Total Base Code Dosage Units Distributed by AmerisourceBergen Drug to this location in month of order	Meets 2 Times Rule	Meets 3 Times Rule	Meets Common Sense Method 2	Meets Common Sense Method 3	McKesson 8000 Rule
1	LOCKBOURNE, OH	BK8461876	HEALTHSPAN INTEGRATED CARE (5420 LANCASTER DR., BROOKLYN HEIGHTS, OH, 44131)	9193	406035705	3/23/09	HYDROCODONE BIT/ACETAMINOPHEN 5MG/50	5	18,000	SpecGx LLC	N	85,100	x	x	x	x	x
2	LOCKBOURNE, OH	BK1027134	HEALTHSPAN INTEGRATED CARE (12301 SNOW ROAD, PARMA, OH, 44130)	9143	406051201	9/30/10	OXYCODONE HCL/ACETAMINOPHEN 5MG/325M	5	6,000	SpecGx LLC	N	80,700	x	x	x	x	x
3	LOCKBOURNE, OH	FC1748788	CLARK LOWCOST PHARMACY (3107 CLARK AVE, CLEVELAND, OH, 44109)	9143	406052301	3/8/12	OXYCODONE HCL/ACETAMINOPHEN 10MG/325	10	3,600	SpecGx LLC	N	46,000	x	x	x	x	x
4	LOCKBOURNE, OH	BP5756323	PHARMERICA (24165 DETROIT ROAD, WESTLAKE, OH, 44145)	9143	406051205	12/11/13	OXYCODONE HCL/ACETAMINOPHEN 5MG/325M	5	REDACT	SpecGx LLC	N	REDACT	x	x	x	x	x
5	LOCKBOURNE, OH	FV0179110	VALUECARE PHARMACY, LLC (6611 WEST SNOWVILLE ROAD, BRECKSVILLE, OH, 44141)	9143	406051205	3/30/09	OXYCODONE HCL/ACETAMINOPHEN 5MG/325M	5	6,000	SpecGx LLC	N	39,500	x	x	x	x	x
6	LOCKBOURNE, OH	BW4147307	WALGREEN CO. DBA: WALGREENS # 03310 (16803 LORAIN AVE, CLEVELAND, OH, 44111)	9143	228298150	12/26/14	OXYCODONE HCL/ACETAMINOPHEN 5MG/325M	5	REDACT	Actavis Pharma, Inc.	N	REDACT	x	x	x	x	x
7	LOCKBOURNE, OH	BW4096360	WALGREEN CO. DBA: WALGREENS # 12444 (3415 CLARK AVENUE, CLEVELAND, OH, 44109)	9143	228298150	10/29/14	OXYCODONE HCL/ACETAMINOPHEN 5MG/325M	5	REDACT	Actavis Pharma, Inc.	N	REDACT	x	x	x	x	x
8	LOCKBOURNE, OH	BW6704185	WALGREEN CO. DBA: WALGREENS # 05206 (11701 DETROIT AVE, LAKEWOOD, OH, 44107)	9143	228298150	12/29/14	OXYCODONE HCL/ACETAMINOPHEN 5MG/325M	5	REDACT	Actavis Pharma, Inc.	N	REDACT	x	x	x	x	x
9	LOCKBOURNE, OH	BB2466642	BOLWELL HEALTH CENTER PHCY C/O MARJORIE BARRON (UNIV HOSPS OF CLEVELAND, CLEVELAND, OH, 44106)	9143	406051205	8/26/14	OXYCODONE HCL/ACETAMINOPHEN 5MG/325M	5	REDACT	SpecGx LLC	N	REDACT	x	x	x	x	x
10	LOCKBOURNE, OH	BK6113055	HEALTHSPAN INTEGRATED CARE (10 SEVERANCE CIRCLE, CLEVELAND HEIGHTS, OH, 44118)	9143	406051205	1/20/14	OXYCODONE HCL/ACETAMINOPHEN 5MG/325M	5	REDACT	SpecGx LLC	N	REDACT	x	x	x	x	x

Narrative Response - Plaintiffs contend that the following orders, which were distributed by Andia, Inc constitute Suspicious Orders as defined under 21 C.F.R. § 1301.74(b):

Suspicious Order No.	Distributor	Buyer DEA Number	Name, Address, and Store Number of Buyer	Base Code	NDC Code	Date of Order	Product Name	Dosage Strength	Dosage Units	Labeler*	Due Diligence Performed Y/N	Total Base Code Dosage Units Distributed by Andia, Inc to this location in month of order	Meets 2 Times Rule	Meets 3 Times Rule	Meets Common Sense Method 2	Meets Common Sense Method 3	McKesson 8000 Rule
													x	x	x	x	x
													x		x	x	
													x		x	x	
															x	x	
													x		x	x	
													x	x	x	x	
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															x	x	
															x	x	

Suspicious Order No.	Distributor	Buyer DEA Number	Name, Address, and Store Number of Buyer	Base Code	NDC Code	Date of Order	Product Name	Dosage Strength	Dosage Units	Labeler*	Due Diligence Performed Y/N	Total Base Code Dosage Units Distributed by Cardinal Health to this location in month of order	Meets 2 Times Rule	Meets 3 Times Rule	Meets Common Sense Method 2	Meets Common Sense Method 3	McKesson 8000 Rule
1	WHEELING, WV	AR7531418	OHIO CVS STORES, L.L.C. DBA: CVS/PHARMACY # 03322 (2007 BROOKPARK ROAD, CLEVELAND, OH, 44109)	9143	406051201	10/29/12	OXYCODONE HCL/ACETAMINOPHEN 5MG/325M	5	3,600	SpecGx LLC	N	61,400	x	x	x	x	x
2	WHEELING, WV	BH4711481	HILLCREST ATRIUM PHARMACY (6770 MAYFIELD ROAD, MAYFIELD HTS, OH, 44124)	9143	54465029	7/26/06	ROXICET - OXYCODONE.HCL & ACETA 5MG/	5	28,000	West-Ward Pharmaceuticals Corp.	N	36,800	x	x	x	x	x
3	WHEELING, WV	BR3522009	OHIO CVS STORES, L.L.C. DBA: CVS/PHARMACY # 04803 (8000 EUCLID AVE., CLEVELAND, OH, 44103)	9143	406051201	7/31/09	OXYCODONE HCL/ACETAMINOPHEN 5MG/325M	5	2,400	SpecGx LLC	N	36,600	x	x	x	x	x
4	WHEELING, WV	AP4581155	PHARMED INC DBA (PHARMED PHARMACY, WESTLAKE, OH, 44145)	9193	406035705	8/16/06	HYDROCODONE BIT/ACETAMINOPHEN 5MG/50	5	30,000	SpecGx LLC	N	34,000	x	x	x	x	x
6	WHEELING, WV	BM1143015	MARC'S PHARMACY (7359 NORTHCLIFF AVENUE, BROOKLYN, OH, 44144)	9193	603388332	7/25/06	HYDROCOD.BIT 7.5 TAB	7.5	9,000	Par Pharmaceutical	N	31,800	x	x	x	x	x
7	WHEELING, WV	BP7169015	PHARMACY MANAGEMENT GROUP OF (OHIO, INC., WESTLAKE, OH, 44145)	9143	406051201	10/27/11	OXYCODONE HCL/ACETAMINOPHEN 5MG/325M	5	2,400	SpecGx LLC	N	31,400	x	x	x	x	x
8	WHEELING, WV	AR7855779	OHIO CVS STORES, L.L.C. DBA: CVS/PHARMACY # 04338 (10022 MADISON AVENUE, CLEVELAND, OH, 44102)	9143	406051201	2/17/11	OXYCODONE HCL/ACETAMINOPHEN 5MG/325M	5	6,000	SpecGx LLC	N	29,200	x	x	x	x	x

Suspicious Order No.	Distributor	Buyer DEA Number	Name, Address, and Store Number of Buyer	Base Code	NDC Code	Date of Order	Product Name	Dosage Strength	Dosage Units	Labeler*	Due Diligence Performed Y/N	Total Base Code Dosage Units Distributed by CVS to this location in month of order	Meets 2 Times Rule	Meets 3 Times Rule	Meets Common Sense Method 2	Meets Common Sense Method 3	McKesson 8000 Rule
1	INDIANAPOLIS, IN	AR7531418	OHIO CVS STORES, L.L.C. DBA: CVS/PHARMACY # 03322 (2007 BROOKPARK ROAD, CLEVELAND, OH, 44109)	9193	406035705	10/27/09	HYDROCODONE BIT/ACETAMINOPHEN 5MG/50	5	13,500	SpecGx LLC	N	67,000	x	x	x	x	x
2	INDIANAPOLIS, IN	AR7531418	OHIO CVS STORES, L.L.C. DBA: CVS/PHARMACY # 03322 (2007 BROOKPARK ROAD, CLEVELAND, OH, 44109)	9193	406035705	6/23/09	HYDROCODONE BIT/ACETAMINOPHEN 5MG/50	5	5,000	SpecGx LLC	N	49,700	x	x	x	x	x
3	INDIANAPOLIS, IN	AR1404730	OHIO CVS STORES, L.L.C. DBA: CVS/PHARMACY # 04347 (11223 GRANGER RD., GARFIELD HEIGHTS, OH, 44125)	9193	406035705	5/22/09	HYDROCODONE BIT/ACETAMINOPHEN 5MG/50	5	3,000	SpecGx LLC	N	28,400	x		x	x	x
4	INDIANAPOLIS, IN	AR6686301	OHIO CVS STORES, L.L.C. DBA: CVS/PHARMACY # 03035 (212 WEST BAGLEY ROAD, BEREA, OH, 44017)	9193	406035705	1/30/12	HYDROCODONE BIT/ACETAMINOPHEN 5MG/50	5	2,500	SpecGx LLC	N	28,100	x		x	x	x
5	INDIANAPOLIS, IN	AR6686301	OHIO CVS STORES, L.L.C. DBA: CVS/PHARMACY # 03035 (212 WEST BAGLEY ROAD, BEREA, OH, 44017)	9193	406035705	9/29/09	HYDROCODONE BIT/ACETAMINOPHEN 5MG/50	5	6,000	SpecGx LLC	N	28,000	x		x	x	x
6	INDIANAPOLIS, IN	AR9581415	OHIO CVS STORES, L.L.C. DBA: CVS/PHARMACY # 03339 (23351 LORAIN ROAD, NORTH OLMSTEAD, OH, 44070)	9193	406035705	10/26/09	HYDROCODONE BIT/ACETAMINOPHEN 5MG/50	5	10,000	SpecGx LLC	N	26,300			x	x	x
7	INDIANAPOLIS, IN	AR7883449	OHIO CVS STORES, L.L.C. DBA: CVS/PHARMACY # 03338 (22001 LAKESHORE BLVD, EUCLID, OH, 44123)	9193	406035705	10/17/09	HYDROCODONE BIT/ACETAMINOPHEN 5MG/50	5	8,000	SpecGx LLC	N	23,900			x	x	x
8	INDIANAPOLIS, IN	AR8556663	OHIO CVS STORES, L.L.C. DBA: CVS/PHARMACY # 03333 (3171 WEST BLVD., CLEVELAND, OH, 44111)	9193	406035705	10/21/09	HYDROCODONE BIT/ACETAMINOPHEN 5MG/50	5	5,500	SpecGx LLC	N	22,200			x	x	x
9	INDIANAPOLIS, IN	AR8556663	OHIO CVS STORES, L.L.C. DBA: CVS/PHARMACY # 03333 (3171 WEST BLVD., CLEVELAND, OH, 44111)	9193	406036005	7/30/08	HYDROCODONE.BIT/APAP 7.5MG/750MG USP T	7.5	2,000	SpecGx LLC	N	21,900	x		x	x	x
10	INDIANAPOLIS, IN	AR6448888	OHIO CVS STORES, L.L.C. DBA: CVS/PHARMACY # 04300 (13777 PEARL RD., STRONGSVILLE, OH, 44136)	9193	406035705	1/16/12	HYDROCODONE BIT/ACETAMINOPHEN 5MG/50	5	3,500	SpecGx LLC	N	21,200			x	x	x

Suspicious Order No.	Distributor	Buyer DEA Number	Name, Address, and Store Number of Buyer	Base Code	NDC Code	Date of Order	Product Name	Dosage Strength	Dosage Units	Labeler*	Due Diligence Performed Y/N	Total Base Code Dosage Units Distributed by Discount Drug Mart to this location in month of order	Meets 2 Times Rule	Meets 3 Times Rule	Meets Common Sense Method 2	Meets Common Sense Method 3	McKesson 8000 Rule
1	MEDINA, OH	BD2308155	DISCOUNT DRUG MART (6476 YORK ROAD, PARMA HEIGHTS, OH, 44130)	9193	603389032	9/25/14	HYDROCODONE BITARTRATE 5MG/ACETAMINO	5	REDACT	Par Pharmaceutical	N	REDACT			x	x	x
2	MEDINA, OH	BD0743016	DISCOUNT DRUG MART #28 (8191 COLUMBIA RD, OLMSTED FALLS, OH, 44138)	9193	603389032	9/17/14	HYDROCODONE BITARTRATE 5MG/ACETAMINO	5	REDACT	Par Pharmaceutical	N	REDACT			x	x	x
3	MEDINA, OH	AD8528121	DISCOUNT DRUG MART INC #17 (4170 FULTON ROAD, CLEVELAND, OH, 44144)	9193	603389032	9/17/14	HYDROCODONE BITARTRATE 5MG/ACETAMINO	5	REDACT	Par Pharmaceutical	N	REDACT			x	x	x
4	MEDINA, OH	AD7412442	DISCOUNT DRUG MART INC #15 (17815 PURITAS AVENUE, CLEVELAND, OH, 44135)	9193	603389032	9/29/14	HYDROCODONE BITARTRATE 5MG/ACETAMINO	5	REDACT	Par Pharmaceutical	N	REDACT			x	x	x
5	MEDINA, OH	AD6388032	DISCOUNT DRUG MART INC #5 (15412 DETROIT AVE, LAKEWOOD, OH, 44107)	9193	603389032	9/16/14	HYDROCODONE BITARTRATE 5MG/ACETAMINO	5	REDACT	Par Pharmaceutical	N	REDACT			x	x	x
6	MEDINA, OH	BD0995095	DISCOUNT DRUG MART #31 (KEVIN M RYAN, RPH, EUCLID, OH, 44119)	9193	603389032	9/29/14	HYDROCODONE BITARTRATE 5MG/ACETAMINO	5	REDACT	Par Pharmaceutical	N	REDACT			x	x	x
7	MEDINA, OH	AD8606634	DISCOUNT DRUG MART #18 (6160 BRECKSVILLE ROAD, INDEPENDENCE, OH, 44131)	9193	603389032	9/25/14	HYDROCODONE BITARTRATE 5MG/ACETAMINO	5	REDACT	Par Pharmaceutical	N	REDACT			x	x	x
8	MEDINA, OH	BD3363936	DISCOUNT DRUG MART #41 (13123 DETROIT AVENUE, LAKEWOOD, OH, 44107)	9193	603389128	9/30/14	HYDROCODONE BITARTRATE & ACETA 7.5MG	7.5	REDACT	Par Pharmaceutical	N	REDACT			x	x	x
9	MEDINA, OH	BD2886490	DISCOUNT DRUG MART (6148 DUNHAM ROAD, MAPLE HEIGHTS, OH, 44137)	9193	603388728	9/30/14	HYDROCODONE.BIT./ACE T.,10MG & 325MG/	10	REDACT	Par Pharmaceutical	N	REDACT			x	x	x
10	MEDINA, OH	AD6645305	DISCOUNT DRUG MART INC #10 (27300 DETROIT RD, WESTLAKE, OH, 44145)	9193	603389032	9/25/14	HYDROCODONE BITARTRATE 5MG/ACETAMINO	5	REDACT	Par Pharmaceutical	N	REDACT			x	x	x

Suspicious Order No.	Distributor	Buyer DEA Number	Name, Address, and Store Number of Buyer	Base Code	NDC Code	Date of Order	Product Name	Dosage Strength	Dosage Units	Labeler*	Due Diligence Performed Y/N	Total Base Code Dosage Units Distributed by HBC Service Company to this location in month of order	Meets 2 Times Rule	Meets 3 Times Rule	Meets Common Sense Method 2	Meets Common Sense Method 3	McKesson 8000 Rule
1	WASHINGTON, PA	BG6784450	GIANT EAGLE PHARMACY #6376 NA (6300 BIDDULPH, BROOKLYN, OH, 44144)	9193	406036005	11/30/11	HYDROCODO.BIT/APAP 7.5MG/750MG USP T	7.5	500	SpecGx LLC	N	17,530			x	x	x
2	WASHINGTON, PA	FG1154638	GIANT EAGLE PHARMACY #5817 NA (7939 DAY DRIVE, CLEVELAND, OH, 44129)	9193	406036005	1/29/12	HYDROCODO.BIT/APAP 7.5MG/750MG USP T	7.5	500	SpecGx LLC	N	14,860			x	x	x
3	WASHINGTON, PA	BG6266313	GIANT EAGLE PHARMACY #0465 NA (14650 SNOW ROAD, BROOKPARK, OH, 44142)	9193	406036005	3/28/12	HYDROCODO.BIT/APAP 7.5MG/750MG USP T	7.5	500	SpecGx LLC	N	14,100			x	x	x
4	WASHINGTON, PA	FG1056161	GIANT EAGLE PHARMACY #0230 NA (3050 W. 117TH STREET, CLEVELAND, OH, 44111)	9193	406036005	6/29/11	HYDROCODO.BIT/APAP 7.5MG/750MG USP T	7.5	500	SpecGx LLC	N	13,100			x	x	x
5	WASHINGTON, PA	BG6562169	GIANT EAGLE PHARMACY #1263 NA (15325 EDGECLIFF AVE, CLEVELAND, OH, 44111)	9193	406036005	10/27/11	HYDROCODO.BIT/APAP 7.5MG/750MG USP T	7.5	500	SpecGx LLC	N	12,700			x	x	x
6	WASHINGTON, PA	BG6028193	GIANT EAGLE PHARMACY #0217 NA (6869 SOUTHLAND DRIVE, MIDDLEBURG HGTS, OH, 44130)	9193	406036005	11/30/11	HYDROCODO.BIT/APAP 7.5MG/750MG USP T	7.5	500	SpecGx LLC	N	12,030			x	x	x
7	WASHINGTON, PA	BG5859080	GIANT EAGLE PHARMACY #4086 NA (15919 PEARL ROAD, STRONGSVILLE, OH, 44136)	9193	603388128	12/18/11	HYDROCODONE.BIT. & ACETA 5MG & 500M	5	1,000	Par Pharmaceutical	N	11,230			x	x	x
8	WASHINGTON, PA	BG9708895	GIANT EAGLE PHARMACY #0218 NA (5744 TRANSPORTATION BLVD, GARFIELD HTS, OH, 44125)	9193	406036005	6/29/11	HYDROCODO.BIT/APAP 7.5MG/750MG USP T	7.5	500	SpecGx LLC	N	11,200			x	x	x
9	WASHINGTON, PA	BG6527886	GIANT EAGLE PHARMACY #4009 NA (1825 SNOW ROAD, PARMA, OH, 44134)	9193	603388621	10/31/11	HYDROCODONE BITARTRATE AND ACETA 10M	10	200	Par Pharmaceutical	N	10,950			x	x	x
10	WASHINGTON, PA	BG6010300	GIANT EAGLE PHARMACY #1298 NA (13820 LORIAN AVE, CLEVELAND, OH, 44111)	9193	603388328	6/29/10	HYDROCOD.BIT 7.5 TAB	7.5	500	Par Pharmaceutical	N	10,790			x	x	x

Suspicious Order No.	Distributor	Buyer DEA Number	Name, Address, and Store Number of Buyer	Base Code	NDC Code	Date of Order	Product Name	Dosage Strength	Dosage Units	Labeler*	Due Diligence Performed Y/N	Total Base Code Dosage Units Distributed by H. D. Smith to this location in month of order	Meets 2 Times Rule	Meets 3 Times Rule	Meets Common Sense Method 2	Meets Common Sense Method 3	McKesson 8000 Rule
1	LOUISVILLE, KY	AT7232022	THE MEDICAL SERVICE COMPANY COMPLIANCE MANAGER (24000 BROADWAY AVE, OAKWOOD VILLAGE, OH, 44146)	9143	406051205	12/30/14	OXYCODONE HCL/ACETAMINOPHEN 5MG/325M	5	REDACT	SpecGx LLC	N		x	x	x	x	x
2	LOUISVILLE, KY	FC0792704	CHURCH SQUARE PHARMACY (7905 EUCLID AVE, CLEVELAND, OH, 44103)	9143	406051201	3/26/10	OXYCODONE HCL/ACETAMINOPHEN 5MG/325M	5	7,000	SpecGx LLC	N	25,000	x		x	x	x
3	LOUISVILLE, KY	FC0792704	CHURCH SQUARE PHARMACY (7905 EUCLID AVE, CLEVELAND, OH, 44103)	9143	406051201	4/17/10	OXYCODONE HCL/ACETAMINOPHEN 5MG/325M	5	7,200	SpecGx LLC	N	24,800	x		x	x	x
4	LOUISVILLE, KY	FC0792704	CHURCH SQUARE PHARMACY (7905 EUCLID AVE, CLEVELAND, OH, 44103)	9143	406051201	10/27/10	OXYCODONE HCL/ACETAMINOPHEN 5MG/325M	5	4,800	SpecGx LLC	N	23,820	x	x	x	x	x
5	LOUISVILLE, KY	AT7232022	THE MEDICAL SERVICE COMPANY COMPLIANCE MANAGER (24000 BROADWAY AVE, OAKWOOD VILLAGE, OH, 44146)	9143	10702005601	10/27/14	OXYCODONE HCI 10MG TABLETS USP	10	REDACT	KVK-Tech, Inc.	N	REDACT	x	x	x	x	x
6	LOUISVILLE, KY	FC0792704	CHURCH SQUARE PHARMACY (7905 EUCLID AVE, CLEVELAND, OH, 44103)	9143	406051201	9/27/10	OXYCODONE HCL/ACETAMINOPHEN 5MG/325M	5	2,400	SpecGx LLC	N	21,440	x	x	x	x	x
7	LOUISVILLE, KY	AT7232022	THE MEDICAL SERVICE COMPANY COMPLIANCE MANAGER (24000 BROADWAY AVE, OAKWOOD VILLAGE, OH, 44146)	9143	65162004710	11/21/14	OXYCODONE HCL 5MG TABLET USP; 100 TA	5		Amneal Pharmaceuticals LLC	N	REDACT	x	x	x	x	x
8	LOUISVILLE, KY	AT7232022	THE MEDICAL SERVICE COMPANY COMPLIANCE MANAGER (24000 BROADWAY AVE, OAKWOOD VILLAGE, OH, 44146)	9143	406055201	12/27/11	OXYCODONE HYDROCHLORIDE TABLETS 5MG	5	1,200	SpecGx LLC	N	19,100	x	x	x	x	x
9	LOUISVILLE, KY	FA4141002	ACCUSCRIPTS PHARMACY L.L.C. (24340 SPERRY DR, WESTLAKE, OH, 44145)	9143	53746020301	9/30/14	OXYCODONE HCL/ACETAMINOPHEN TABS 5MG	5	REDACT	Amneal Pharmaceuticals LLC	N	REDACT			x	x	
10	LOUISVILLE, KY	FA4141002	ACCUSCRIPTS PHARMACY L.L.C. (24340 SPERRY DR, WESTLAKE, OH, 44145)	9143	53746020301	10/31/14	OXYCODONE HCL/ACETAMINOPHEN TABS 5MG	5	REDACT	Amneal Pharmaceuticals LLC	N	REDACT			x	x	

Suspicious Order No.	Distributor	Buyer DEA Number	Name, Address, and Store Number of Buyer	Base Code	NDC Code	Date of Order	Product Name	Dosage Strength	Dosage Units	Labeler*	Due Diligence Performed Y/N	Total Base Code Dosage Units Distributed by McKesson Corporation to this location in month of order	Meets 2 Times Rule	Meets 3 Times Rule	Meets Common Sense Method 2	Meets Common Sense Method 3	McKesson 8000 Rule
1	NEW CASTLE, PA	AG1573674	RITE AID OF OHIO, INC. RITE AID #3157 (3402 CLARK AVENUE, CLEVELAND, OH, 44109)	9143	603499821	8/30/11	OXYCODONE HCL/ACETAMINOPHEN 5MG/325M	5	1,500	Par Pharmaceutical	N	49,700	x	x	x	x	x
2	NEW CASTLE, PA	FR3437856	REMED1 SENIORCARE OF OHIO-NORTHEAST, LLC (26251 BLUESTONE BLVD., SUITE #1, EUCLID, OH, 44132)	9143	57664022388	8/25/14	OXYCODONE HCL 5MG TABLETS, USP	5	REDACTED	Sun Pharmaceutical Industries, Inc.	N	REDACTED	x	x		x	x
3	NEW CASTLE, PA	BR5599519	RITE AID OF OHIO, INC. RITE AID #4788 (7109 HARVARD AVENUE, CLEVELAND, OH, 44105)	9143	406051205	12/30/14	OXYCODONE HCL/ACETAMINOPHEN 5MG/325M	5	REDACTED	SpecGx LLC	N	REDACTED	x	x	x	x	x
4	NEW CASTLE, PA	BR2660163	RITE AID OF OHIO, INC. RITE AID #2665 (10502 SAINT CLAIR AVENUE, CLEVELAND, OH, 44108)	9143	406051201	1/19/07	OXYCODONE HCL/ACETAMINOPHEN 5MG/325M	5	3,600	SpecGx LLC	N	21,700	x	x	x	x	x
5	NEW CASTLE, PA	AG8144088	RITE AID OF OHIO, INC. RITE AID #3131 (20405 CHAGRIN BOULEVARD, SHAKER HEIGHTS, OH, 44122)	9143	60951079770	6/27/11	ENDOCET TABS - 10MG OXYCODONE.HCL &	10	1,800	Par Pharmaceutical	N	21,000	x	x	x	x	x
6	NEW CASTLE, PA	AG2926876	RITE AID OF OHIO, INC. RITE AID #3053 (5795 STATE ROAD, PARMA, OH, 44134)	9143	406052301	5/30/08	OXYCODONE HCL/ACETAMINOPHEN 10MG/325	10	1,200	SpecGx LLC	N	20,300	x	x	x	x	x
7	NEW CASTLE, PA	AG2924668	RITE AID OF OHIO, INC. RITE AID #3043 (10090 CHESTER AVE, CLEVELAND, OH, 44106)	9143	406051201	12/22/09	OXYCODONE HCL/ACETAMINOPHEN 5MG/325M	5	2,400	SpecGx LLC	N	18,200	x	x	x	x	x
8	NEW CASTLE, PA	AR2963521	RITE AID OF OHIO, INC. RITE AID #1570 (6512 FRANKLIN BOULEVARD, CLEVELAND, OH, 44102)	9143	603499821	10/21/11	OXYCODONE HCL/ACETAMINOPHEN 5MG/325M	5	1,000	Par Pharmaceutical	N	18,100	x	x	x	x	x
9	NEW CASTLE, PA	BG6784450	GIANT EAGLE PHARMACY #6376 (6300 BIDDULPH, BROOKLYN, OH, 44144)	9193	406036005	6/30/09	HYDROCODONE BIT/APAP 7.5MG/750MG USP T	7.5	1,000	SpecGx LLC	N	13,800	x	x	x	x	x
10	NEW CASTLE, PA	BG6010300	GIANT EAGLE PHARMACY #1298 (13820 LORIAN AVE, CLEVELAND, OH, 44111)	9193	591034905	5/28/09	HYDROCODONE BIT 5MG/ACETAMINOPHEN 50	5	1,500	Actavis Pharma, Inc.	N	13,300	x	x	x	x	x

Narrative Response - Plaintiffs contend that the following orders, which were distributed by Prescription Supply Inc constitute Suspicious Orders as defined under 21 C.F.R. § 1301.74(b):

Suspicious Order No.	Distributor	Buyer DEA Number	Name, Address, and Store Number of Buyer	Base Code	NDC Code	Date of Order	Product Name	Dosage Strength	Dosage Units	Labeler*	Due Diligence Performed Y/N	Total Base Code Dosage Units Distributed by Prescription Supply Inc to this location in month of order	Meets 2 Times Rule	Meets 3 Times Rule	Meets Common Sense Method 2	Meets Common Sense Method 3	McKesson 8000 Rule
1	NORTHWOOD, OH	AD6388032	DISCOUNT DRUG MART INC #5 (15412 DETROIT AVE, LAKEWOOD, OH, 44107)	9143	603499828	12/29/06	OXYCODONE HCL/ACETAMINOPHEN 5MG/325M	5	1,000	Par Pharmaceutical	N	13,300	x	x	x	x	x
2	NORTHWOOD, OH	AD6388032	DISCOUNT DRUG MART INC #5 (15412 DETROIT AVE, LAKEWOOD, OH, 44107)	9143	406051205	8/31/09	OXYCODONE HCL/ACETAMINOPHEN 5MG/325M	5	500	SpecGx LLC	N	13,300	x	x	x	x	x
3	NORTHWOOD, OH	BD3363936	DISCOUNT DRUG MART #41 (13123 DETROIT AVENUE, LAKEWOOD, OH, 44107)	9143	406051205	6/30/09	OXYCODONE HCL/ACETAMINOPHEN 5MG/325M	5	2,000	SpecGx LLC	N	10,700	x		x	x	x
4	NORTHWOOD, OH	BD3363936	DISCOUNT DRUG MART #41 (13123 DETROIT AVENUE, LAKEWOOD, OH, 44107)	9143	406051205	10/30/09	OXYCODONE HCL/ACETAMINOPHEN 5MG/325M	5	1,000	SpecGx LLC	N	10,300	x		x	x	x
5	NORTHWOOD, OH	AD6645317	DISCOUNT DRUG MART INC #8 (24485 LORAIN RD, NORTH OLMSTED, OH, 44070)	9143	406051205	6/29/09	OXYCODONE HCL/ACETAMINOPHEN 5MG/325M	5	1,000	SpecGx LLC	N	8,900	x		x	x	x
6	NORTHWOOD, OH	AD6645317	DISCOUNT DRUG MART INC #8 (24485 LORAIN RD, NORTH OLMSTED, OH, 44070)	9143	406051205	3/30/09	OXYCODONE HCL/ACETAMINOPHEN 5MG/325M	5	500	SpecGx LLC	N	8,800	x		x	x	x
7	NORTHWOOD, OH	AO2914085	OHLIGER DRUG OF FAIRVIEW PARK (21720 LORAIN ROAD, FAIRVIEW PARK, OH, 44126)	9143	54465029	3/23/07	ROXICET - OXYCODONE.HCL & ACETA 5MG/	5	1,000	West-Ward Pharmaceuticals Corp.	N	8,300			x	x	x
8	NORTHWOOD, OH	AD6645305	DISCOUNT DRUG MART INC #10 (27300 DETROIT RD, WESTLAKE, OH, 44145)	9143	406051205	8/31/09	OXYCODONE HCL/ACETAMINOPHEN 5MG/325M	5	1,000	SpecGx LLC	N	7,900			x	x	
9	NORTHWOOD, OH	BD0743016	DISCOUNT DRUG MART #28 (8191 COLUMBIA RD, OLMSTED FALLS, OH, 44138)	9143	603499828	1/30/07	OXYCODONE HCL/ACETAMINOPHEN 5MG/325M	5	500	Par Pharmaceutical	N	7,900			x	x	
10	NORTHWOOD, OH	AO2914085	OHLIGER DRUG OF FAIRVIEW PARK (21720 LORAIN ROAD, FAIRVIEW PARK, OH, 44126)	9143	54465029	11/21/06	ROXICET - OXYCODONE.HCL & ACETA 5MG/	5	1,000	West-Ward Pharmaceuticals Corp.	N	7,500			x	x	

Suspicious Order No.	Distributor	Buyer DEA Number	Name, Address, and Store Number of Buyer	Base Code	NDC Code	Date of Order	Product Name	Dosage Strength	Dosage Units	Labeler*	Due Diligence Performed Y/N	Total Base Code Dosage Units Distributed by Rite Aid to this location in month of order	Meets 2 Times Rule	Meets 3 Times Rule	Meets Common Sense Method 2	Meets Common Sense Method 3	McKesson 8000 Rule
1	ABERDEEN, MD	AG1573674	RITE AID OF OHIO, INC. RITE AID #3157 (3402 CLARK AVENUE, CLEVELAND, OH, 44109)	9193	406035705	9/30/09	HYDROCODONE BIT/ACETAMINOPHEN 5MG/50	5	3,000	SpecGx LLC	N	30,300	x	x	x	x	x
2	ABERDEEN, MD	AG2926876	RITE AID OF OHIO, INC. RITE AID #3053 (5795 STATE ROAD, PARMA, OH, 44134)	9193	406035705	7/30/07	HYDROCODONE BIT/ACETAMINOPHEN 5MG/50	5	1,000	SpecGx LLC	N	19,700	x			x	x
3	ABERDEEN, MD	AM1573636	RITE AID OF OHIO, INC. RITE AID #3153 (15149 SNOW ROAD, BROOK PARK, OH, 44142)	9193	406035705	10/30/07	HYDROCODONE BIT/ACETAMINOPHEN 5MG/50	5	2,500	SpecGx LLC	N	17,500	x		x	x	x
4	ABERDEEN, MD	FR0161846	RITE AID OF OHIO, INC. RITE AID #7879 (5455 RIDGE ROAD, PARMA, OH, 44129)	9193	406036201	3/31/10	HYDROCOD.BIT.& APAP,10MG/660MG/TAB	10	1,200	SpecGx LLC	N	15,000	x		x	x	x
5	ABERDEEN, MD	AR2963521	RITE AID OF OHIO, INC. RITE AID #1570 (6512 FRANKLIN BOULEVARD, CLEVELAND, OH, 44102)	9193	406035705	12/15/07	HYDROCODONE BIT/ACETAMINOPHEN 5MG/50	5	1,500	SpecGx LLC	N	12,400			x	x	x
6	ABERDEEN, MD	AG8660448	RITE AID OF OHIO, INC. RITE AID #3148 (2323 BROADVIEW ROAD, CLEVELAND, OH, 44109)	9193	406036005	5/22/08	HYDROCODO.BIT/APAP 7.5MG/750MG USP T	7.5	1,000	SpecGx LLC	N	10,000			x	x	x
7	ABERDEEN, MD	BR3888039	RITE AID OF OHIO, INC. RITE AID #3486 (11702 LORAIN AVENUE, CLEVELAND, OH, 44111)	9193	591034905	7/30/13	HYDROCODONE BIT 5MG/ACETAMINOPHEN 50	5	REDACTED	Actavis Pharma, Inc.	N	REDACTED			x	x	x
8	ABERDEEN, MD	AG1573650	RITE AID OF OHIO, INC. RITE AID #3155 (29000 LORAIN ROAD, NORTH OLMS TED, OH, 44070)	9193	406035705	12/28/06	HYDROCODONE BIT/ACETAMINOPHEN 5MG/50	5	2,000	SpecGx LLC	N	8,700			x	x	x
9	ABERDEEN, MD	FR1208544	RITE AID OF OHIO, INC. RITE AID #4071 (475 E 185TH STREET, EUCLID, OH, 44119)	9193	591034905	11/22/13	HYDROCODONE BIT 5MG/ACETAMINOPHEN 50	5	REDACTED	Actavis Pharma, Inc.	N	REDACTED			x	x	
10	ABERDEEN, MD	AG8932027	RITE AID OF OHIO, INC. RITE AID #3091 (14701 PEARL ROAD, STRONGSVILLE, OH, 44136)	9193	603388128	6/29/10	HYDROCODONE.BIT. & ACETA 5MG & 500M	5	1,000	Par Pharmaceutical	N	6,500			x	x	

Suspicious Order No.	Distributor	Buyer DEA Number	Name, Address, and Store Number of Buyer	Base Code	NDC Code	Date of Order	Product Name	Dosage Strength	Dosage Units	Labeler*	Due Diligence Performed Y/N	Total Base Code Dosage Units Distributed by Wal-Mart to this location in month of order	Meets 2 Times Rule	Meets 3 Times Rule	Meets Common Sense Method 2	Meets Common Sense Method 3	McKesson 8000 Rule
1	WILLIAMSPORT, MD	BW5397573	WAL-MART PHARMACY 10-2073 NA (10000 BROOKPARK RD, BROOKLYN, OH, 44130)	9193	603388721	8/19/13	HYDROCODONE.BIT./ACE T,10MG & 325MG/	10	REDA	Par Pharmaceutical	N	REDACT			x	x	x
2	WILLIAMSPORT, MD	BW5397573	WAL-MART PHARMACY 10-2073 NA (10000 BROOKPARK RD, BROOKLYN, OH, 44130)	9193	406036001	12/31/08	HYDROCODO.BIT/APAP 7.5MG/750MG USP T	7.5	2,700	SpecGx LLC	N	16,600			x	x	x
3	WILLIAMSPORT, MD	BW8604820	WAL-MART PHARMACY 10-5082 NA (8303 W RIDGEWOOD DR, PARMA, OH, 44129)	9193	406035701	8/19/13	HYDROCODONE BIT/ACETAMINOPHEN 5MG/50	5	REDA	SpecGx LLC	N	REDACT			x	x	x
4	ROGERS, AR	FW0545547	WAL-MART PHARMACY 10-4285 NA (3400 STEELYARD DRIVE, CLEVELAND, OH, 44109)	9143	406051201	4/29/10	OXYCODONE HCL/ACETAMINOPHEN 5MG/325M	5	2,800	SpecGx LLC	N	15,100	x	x	x	x	x
5	ROGERS, AR	FW0545547	WAL-MART PHARMACY 10-4285 NA (3400 STEELYARD DRIVE, CLEVELAND, OH, 44109)	9143	406051201	9/30/10	OXYCODONE HCL/ACETAMINOPHEN 5MG/325M	5	2,900	SpecGx LLC	N	14,600	x	x	x	x	x
6	CRAWFORDSVILLE, IN	BW5398335	WAL-MART PHARMACY 10-2266 NA (8585 PEARL RD, STRONGSVILLE, OH, 44136)	9193	406036305	8/30/13	HYDROCODONE BIT/ACETA 10MG/500MG USP	10	REDA	SpecGx LLC	N	REDACT			x	x	x
7	WILLIAMSPORT, MD	BW8604820	WAL-MART PHARMACY 10-5082 NA (8303 W RIDGEWOOD DR, PARMA, OH, 44129)	9193	406036001	12/29/11	HYDROCODO.BIT/APAP 7.5MG/750MG USP T	7.5	600	SpecGx LLC	N	12,000			x	x	x
8	CRAWFORDSVILLE, IN	BW5398385	WAL-MART PHARMACY 10-2316 NA (24801 BROOKPARK RD, NORTH OLMSTEAD, OH, 44070)	9193	406035705	8/29/13	HYDROCODONE BIT/ACETAMINOPHEN 5MG/50	5	REDA	SpecGx LLC	N	REDACT			x	x	x
9	CRAWFORDSVILLE, IN	BW5398335	WAL-MART PHARMACY 10-2266 NA (8585 PEARL RD, STRONGSVILLE, OH, 44136)	9193	603388728	12/21/11	HYDROCODONE.BIT./ACE T,10MG & 325MG/	10	500	Par Pharmaceutical	N	10,300			x	x	x
10	ROGERS, AR	BW9904005	WAL-MART PHARMACY 10-3326 NA (5638 TRANSPORTATION BLVD., GARFIELD HIEGHTS, OH, 44125)	9143	406051205	8/31/07	OXYCODONE HCL/ACETAMINOPHEN 5MG/325M	5	5,500	SpecGx LLC	N	8,700	x		x	x	x

Suspicious Order No.	Distributor	Buyer DEA Number	Name, Address, and Store Number of Buyer	Base Code	NDC Code	Date of Order	Product Name	Dosage Strength	Dosage Units	Labeler*	Due Diligence Performed Y/N	Total Base Code Dosage Units Distributed by Walgreen Co to this location in month of order	Meets 2 Times Rule	Meets 3 Times Rule	Meets Common Sense Method 2	Meets Common Sense Method 3	McKesson 8000 Rule
1	PERRYSBURG, OH	BW4673554	WALGREEN CO. DBA: WALGREENS # 03314 (5400 PEARL ROAD, PARMA, OH, 44129)	9143	591074905	8/29/11	OXYCODONE HYDROCHLORIDE 5MG&ACETAMIN	5	6,500	Actavis Pharma, Inc.	N	38,300	x	x	x	x	x
2	PERRYSBURG, OH	BW6704185	WALGREEN CO. DBA: WALGREENS # 05206 (11701 DETROIT AVE, LAKEWOOD, OH, 44107)	9143	591074905	10/31/11	OXYCODONE HYDROCHLORIDE 5MG&ACETAMIN	5	3,000	Actavis Pharma, Inc.	N	35,900	x	x	x	x	x
3	PERRYSBURG, OH	BW4096360	WALGREEN CO. DBA: WALGREENS # 12444 (3415 CLARK AVENUE, CLEVELAND, OH, 44109)	9143	591074905	3/29/12	OXYCODONE HYDROCHLORIDE 5MG&ACETAMIN	5	3,500	Actavis Pharma, Inc.	N	34,300	x	x	x	x	x
4	PERRYSBURG, OH	BW5624184	WALGREEN CO. DBA: WALGREENS # 03308 (4265 STATE RD., CLEVELAND, OH, 44109)	9143	591074905	5/30/12	OXYCODONE HYDROCHLORIDE 5MG&ACETAMIN	5	1,500	Actavis Pharma, Inc.	N	30,100	x	x	x	x	x
5	PERRYSBURG, OH	BW9525188	WALGREEN CO. DBA: WALGREENS # 10710 (20485 EUCLID AVE, EUCLID, OH, 44117)	9143	591074905	10/22/10	OXYCODONE HYDROCHLORIDE 5MG&ACETAMIN	5	4,500	Actavis Pharma, Inc.	N	29,700	x	x	x	x	x
6	PERRYSBURG, OH	BW4139564	WALGREEN CO. DBA: WALGREENS # 03312 (22401 LAKE SHORE BLVD, EUCLID, OH, 44123)	9143	591074905	4/14/11	OXYCODONE HYDROCHLORIDE 5MG&ACETAMIN	5	5,000	Actavis Pharma, Inc.	N	27,600	x		x	x	x
7	PERRYSBURG, OH	BW4129854	WALGREEN CO. DBA: WALGREENS # 03238 (14525 EUCLID, EAST CLEVELAND, OH, 44112)	9143	591074905	4/30/08	OXYCODONE HYDROCHLORIDE 5MG&ACETAMIN	5	2,000	Actavis Pharma, Inc.	N	25,400	x	x	x	x	x
8	PERRYSBURG, OH	BW4129842	WALGREEN CO. DBA: WALGREENS # 03226 (6410 BROADWAY AVENUE, CLEVELAND, OH, 44105)	9143	591074905	4/29/11	OXYCODONE HYDROCHLORIDE 5MG&ACETAMIN	5	3,500	Actavis Pharma, Inc.	N	25,100	x		x	x	x
9	PERRYSBURG, OH	BW4387759	WALGREEN CO. DBA: WALGREENS # 03256 (11401 UNION AVENUE, CLEVELAND, OH, 44105)	9143	591074905	1/23/13	OXYCODONE HYDROCHLORIDE 5MG&ACETAMIN	5	REDACTED	Actavis Pharma, Inc.	N	REDACTED	x		x	x	x
10	PERRYSBURG, OH	BW5688176	WALGREEN CO. DBA: WALGREENS # 04159 (6300 PEARL RD., PARMA HEIGHTS, OH, 44130)	9143	591074905	8/29/11	OXYCODONE HYDROCHLORIDE 5MG&ACETAMIN	5	3,000	Actavis Pharma, Inc.	N	21,200	x		x	x	x

Exhibit B

(Summit County)

Narrative Response - Plaintiffs contend that the following orders, which were distributed by AmerisourceBergen Drug constitute Suspicious Orders as defined under 21 C.F.R. § 1301.74(b):

Suspicious Order No.	Distributor	Buyer DEA Number	Name, Address, and Store Number of Buyer	Base Code	NDC Code	Date of Order	Product Name	Dosage Strength	Dosage Units	Labeler*	Due Diligence Performed Y/N	Total Base Code Dosage Units Distributed by AmerisourceBergen Drug to this location in month of order	Meets 2 Times Rule	Meets 3 Times Rule	Meets Common Sense Method 2	Meets Common Sense Method 3	McKesson 8000 Rule
1	LOCKBOURNE, OH	BR0573407	RITZMAN PHARMACY #101 (1323 COPLEY RD, AKRON, OH, 44320)	9193	406035705	10/7/11	HYDROCODONE BIT/ACETAMINOPHEN 5MG/50	5	21,000	SpecGx LLC	N	55,600	x	x	x	x	x
2	LOCKBOURNE, OH	BR0573421	RITZMAN PHARMACY #102 (390 ROBINSON AVENUE, BARBERTON, OH, 44203)	9193	406035705	10/6/11	HYDROCODONE BIT/ACETAMINOPHEN 5MG/50	5	18,000	SpecGx LLC	N	41,800	x	x	x	x	x
3	LOCKBOURNE, OH	BR3629485	RALEY DRUG STORE, INC (1760 GOODYEAR BLVD, AKRON, OH, 44305)	9143	591350301	10/26/06	OXYCODONE HCL 40MG TABS	40	4,800	Actavis Pharma, Inc.	N	39,300	x	x	x	x	x
4	LOCKBOURNE, OH	BW4139540	WALGREEN CO. DBA: WALGREENS # 03281 (1130 S. ARLINGTON ST, AKRON, OH, 44306)	9143	228298150	12/26/14	OXYCODONE HCL/ACETAMINOPHEN 5MG/325M	5	REDACT	Actavis Pharma, Inc.	N	REDACT	x	x	x	x	x
5	LOCKBOURNE, OH	BW6026668	WALGREEN CO. DBA: WALGREENS # 04776 (900 WOOSTER RD NORTH, BARBERTON, OH, 44203)	9143	228298150	12/26/14	OXYCODONE HCL/ACETAMINOPHEN 5MG/325M	5	REDACT	Actavis Pharma, Inc.	N	REDACT	x	x	x	x	x
6	LOCKBOURNE, OH	BW4550287	WALGREEN CO. DBA: WALGREENS # 03572 (2645 STATE RD, CUYAHOGA FALLS, OH, 44223)	9143	228298150	12/30/14	OXYCODONE HCL/ACETAMINOPHEN 5MG/325M	5	REDACT	Actavis Pharma, Inc.	N	REDACT	x	x	x	x	x
7	LOCKBOURNE, OH	BW6819924	WALGREEN CO. DBA: WALGREENS # 05904 (830 BRITTAIN RD, AKRON, OH, 44305)	9143	228298150	10/29/14	OXYCODONE HCL/ACETAMINOPHEN 5MG/325M	5	REDACT	Actavis Pharma, Inc.	N	REDACT	x	x	x	x	x
8	LOCKBOURNE, OH	BW4129892	WALGREEN CO. DBA: WALGREENS # 03279 (1303 COPLEY ROAD, AKRON, OH, 44320)	9143	591074905	10/29/13	OXYCODONE HYDROCHLORIDE 5MG&ACETAMIN	5	REDACT	Actavis Pharma, Inc.	N	REDACT	x	x	x	x	x
9	LOCKBOURNE, OH	AY3510131	THE FRED W ALBRECHT GROCERY (DBA ACME PHARMACY #18, AKRON, OH, 44314)	9143	406051205	10/29/12	OXYCODONE HCL/ACETAMINOPHEN 5MG/325M	5	2,500	SpecGx LLC	N	26,500	x	x	x	x	x
10	LOCKBOURNE, OH	BW5523469	WALGREEN CO. DBA: WALGREENS # 03741 (302 CANTON ROAD, AKRON, OH, 44312)	9143	228298150	12/30/14	OXYCODONE HCL/ACETAMINOPHEN 5MG/325M	5	REDACT	Actavis Pharma, Inc.	N	REDACT	x	x	x	x	x

Suspicious Order No.	Distributor	Buyer DEA Number	Name, Address, and Store Number of Buyer	Base Code	NDC Code	Date of Order	Product Name	Dosage Strength	Dosage Units	Labeler*	Due Diligence Performed Y/N	Total Base Code Dosage Units Distributed by Andia, Inc to this location in month of order	Meets 2 Times Rule	Meets 3 Times Rule	Meets Common Sense Method 2	Meets Common Sense Method 3	McKesson 8000 Rule
													x	x	x	x	x
													x	x	x	x	x
													x	x	x	x	x
													x	x	x	x	x
													x	x		x	x
													x	x	x	x	
													x	x	x	x	
															x	x	
													x		x	x	
															x	x	

Narrative Response - Plaintiffs contend that the following orders, which were distributed by Cardinal Health constitute Suspicious Orders as defined under 21 C.F.R. § 1301.74(b):

Suspicious Order No.	Distributor	Buyer DEA Number	Name, Address, and Store Number of Buyer	Base Code	NDC Code	Date of Order	Product Name	Dosage Strength	Dosage Units	Labeler*	Due Diligence Performed Y/N	Total Base Code Dosage Units Distributed by Cardinal Health to this location in month of order	Meets 2 Times Rule	Meets 3 Times Rule	Meets Common Sense Method 2	Meets Common Sense Method 3	McKesson 8000 Rule
1	WHEELING, WV	BN8680399	NEW CHOICE PHARMACY (1900 23RD STREET, CUYAHOGA FALLS, OH, 44223)	9143	406051205	8/29/07	OXYCODONE HCL./ACETAMINOPHEN 5MG/325M	5	10,000	SpecGx LLC	N	134,900	x	x	x	x	x
2	WHEELING, WV	BC8680399	NEW CHOICE PHARMACY (1900 23RD STREET, CUYAHOGA FALLS, OH, 44223)	9143	406051205	1/30/06	OXYCODONE HCL./ACETAMINOPHEN 5MG/325M	5	6,000	SpecGx LLC	N	106,400	x	x	x	x	x
5	WHEELING, WV	BM2807824	MARC GLASSMAN INC DBA MARC'S (360 EAST WATERLOO RD, AKRON, OH, 44319)	9193	603388132	7/26/06	HYDROCODONE.BIT. & ACETA 5MG & 500M	5	18,000	Par Pharmaceutical	N	41,200	x	x	x	x	x
6	WHEELING, WV	FO1803368	OHIO CVS STORES, L.L.C. DBA: CVS/PHARMACY # 03083 (780 BRITTAIN ROAD, AKRON, OH, 44305)	9143	591093201	12/28/11	OXYCODONE.HCL./APAP 10MG/325MG TABS	10	2,400	Actavis Pharma, Inc.	N	33,100	x	x	x	x	x
8	WHEELING, WV	FN1432854	NEW CHOICE PHARMACY (1900 23RD STREET, CUYAHOGA FALLS, OH, 44223)	9193	603388732	12/31/09	HYDROCODONE BIT./ACETA 10MG/325MG TA	10	1,000	Par Pharmaceutical	N	25,900	x	x	x	x	x
9	WHEELING, WV	AR6492223	OHIO CVS STORES, L.L.C. DBA: CVS/PHARMACY # 04312 (1225 CANTON RD, AKRON, OH, 44312)	9143	591093201	11/26/10	OXYCODONE.HCL./APAP 10MG/325MG TABS	10	1,600	Actavis Pharma, Inc.	N	25,200	x	x	x	x	x
10	WHEELING, WV	AR2943656	OHIO CVS STORES, L.L.C. DBA: CVS/PHARMACY # 03041 (235 EAST CUYAHOGA FALLS AVE, AKRON, OH, 44310)	9143	406051201	5/23/12	OXYCODONE HCL./ACETAMINOPHEN 5MG/325M	5	2,400	SpecGx LLC	N	24,900	x	x	x	x	x

Suspicious Order No.	Distributor	Buyer DEA Number	Name, Address, and Store Number of Buyer	Base Code	NDC Code	Date of Order	Product Name	Dosage Strength	Dosage Units	Labeler*	Due Diligence Performed Y/N	Total Base Code Dosage Units Distributed by CVS to this location in month of order	Meets 2 Times Rule	Meets 3 Times Rule	Meets Common Sense Method 2	Meets Common Sense Method 3	McKesson 8000 Rule
1	INDIANAPOLIS, IN	BR0287234	OHIO CVS STORES, L.L.C. DBA: CVS/PHARMACY # 04800 (590 EAST MARKET STREET, AKRON, OH, 44304)	9193	406035705	12/19/09	HYDROCODONE BIT/ACETAMINOPHEN 5MG/50	5	8,000	SpecGx LLC	N	50,800	x	x	x	x	x
2	INDIANAPOLIS, IN	BR0287234	OHIO CVS STORES, L.L.C. DBA: CVS/PHARMACY # 04800 (590 EAST MARKET STREET, AKRON, OH, 44304)	9193	406035705	10/17/09	HYDROCODONE BIT/ACETAMINOPHEN 5MG/50	5	27,500	SpecGx LLC	N	50,200	x	x	x	x	x
3	INDIANAPOLIS, IN	AR2916659	OHIO CVS STORES, L.L.C. DBA: CVS/PHARMACY # 03355 (4195 S. CLEVELAND-MASSILLON ROAD, NORTON, OH, 44203)	9193	406035705	10/28/09	HYDROCODONE BIT/ACETAMINOPHEN 5MG/50	5	9,000	SpecGx LLC	N	47,400	x	x	x	x	x
4	INDIANAPOLIS, IN	AR6492223	OHIO CVS STORES, L.L.C. DBA: CVS/PHARMACY # 04312 (1225 CANTON RD, AKRON, OH, 44312)	9193	406035705	10/29/09	HYDROCODONE BIT/ACETAMINOPHEN 5MG/50	5	9,500	SpecGx LLC	N	46,700	x	x	x	x	x
5	INDIANAPOLIS, IN	AR2943656	OHIO CVS STORES, L.L.C. DBA: CVS/PHARMACY # 03041 (235 EAST CUYAHOGA FALLS AVE, AKRON, OH, 44310)	9193	406035705	10/29/09	HYDROCODONE BIT/ACETAMINOPHEN 5MG/50	5	9,500	SpecGx LLC	N	39,900	x		x	x	x
6	INDIANAPOLIS, IN	AR6270134	OHIO CVS STORES, L.L.C. DBA: CVS/PHARMACY # 04309 (1711 STATE RD, CUYAHOGA FALLS, OH, 44223)	9193	406035705	10/31/09	HYDROCODONE BIT/ACETAMINOPHEN 5MG/50	5	5,500	SpecGx LLC	N	34,100	x		x	x	x
7	INDIANAPOLIS, IN	AR4858087	OHIO CVS STORES, L.L.C. DBA: CVS/PHARMACY # 03320 (426 ROBINSON AVE., BARBERTON, OH, 44203)	9193	406035705	10/28/09	HYDROCODONE BIT/ACETAMINOPHEN 5MG/50	5	8,000	SpecGx LLC	N	33,900	x		x	x	x
8	INDIANAPOLIS, IN	BC5772579	BRITTAIN ROAD CVS, INC. DBA: CVS/PHARMACY # 03083 (780 BRITTAIN ROAD, AKRON, OH, 44305)	9193	406035705	10/29/09	HYDROCODONE BIT/ACETAMINOPHEN 5MG/50	5	12,000	SpecGx LLC	N	32,500	x		x	x	x
9	INDIANAPOLIS, IN	AR2879318	OHIO CVS STORES, L.L.C. DBA: CVS/PHARMACY # 03360 (3352 KENT ROAD, STOW, OH, 44224)	9193	406035705	10/31/09	HYDROCODONE BIT/ACETAMINOPHEN 5MG/50	5	9,000	SpecGx LLC	N	32,000	x		x	x	x
10	INDIANAPOLIS, IN	AR7850933	OHIO CVS STORES, L.L.C. DBA: CVS/PHARMACY # 04333 (2091 EASTWOOD AVENUE, AKRON, OH, 44305)	9193	406035705	10/29/09	HYDROCODONE BIT/ACETAMINOPHEN 5MG/50	5	4,000	SpecGx LLC	N	31,600	x		x	x	x

Suspicious Order No.	Distributor	Buyer DEA Number	Name, Address, and Store Number of Buyer	Base Code	NDC Code	Date of Order	Product Name	Dosage Strength	Dosage Units	Labeler*	Due Diligence Performed Y/N	Total Base Code Dosage Units Distributed by Discount Drug Mart to this location in month of order	Meets 2 Times Rule	Meets 3 Times Rule	Meets Common Sense Method 2	Meets Common Sense Method 3	McKesson 8000 Rule
1	MEDINA, OH	BD3814123	DISCOUNT DRUG MART #45 (711 CANTON ROAD, AKRON, OH, 44312)	9193	603389032	9/26/14	HYDROCODONE BITARTRATE 5MG/ACETAMINO	5	REDACT	Par Pharmaceutical	N	REDACTE			x	x	x
2	MEDINA, OH	BD1354149	DISCOUNT DRUG MART #33 (655 PORTAGE TRAIL, CUYAHOGA FALLS, OH, 44221)	9193	603389032	9/17/14	HYDROCODONE BITARTRATE 5MG/ACETAMINO	5	REDACTE	Par Pharmaceutical	N	REDACTE			x	x	x
3	MEDINA, OH	BD3814123	DISCOUNT DRUG MART #45 (711 CANTON ROAD, AKRON, OH, 44312)	9193	591034905	3/23/12	HYDROCODONE BIT 5MG/ACETAMINOPHEN 50	5	2,000	Actavis Pharma, Inc.	N	16,080			x	x	x
4	MEDINA, OH	BD1354149	DISCOUNT DRUG MART #33 (655 PORTAGE TRAIL, CUYAHOGA FALLS, OH, 44221)	9193	591034905	12/22/10	HYDROCODONE BIT 5MG/ACETAMINOPHEN 50	5	2,000	Actavis Pharma, Inc.	N	15,700			x	x	x
5	MEDINA, OH	BD1354149	DISCOUNT DRUG MART #33 (655 PORTAGE TRAIL, CUYAHOGA FALLS, OH, 44221)	9193	591034905	6/29/11	HYDROCODONE BIT 5MG/ACETAMINOPHEN 50	5	2,000	Actavis Pharma, Inc.	N	15,500			x	x	x
6	MEDINA, OH	BD3814123	DISCOUNT DRUG MART #45 (711 CANTON ROAD, AKRON, OH, 44312)	9193	591034905	6/24/11	HYDROCODONE BIT 5MG/ACETAMINOPHEN 50	5	1,500	Actavis Pharma, Inc.	N	14,660			x	x	x
7	MEDINA, OH	FD1062417	DISCOUNT DRUG MART #80 (3100 GLENWOOD BLVD, TWINSBURG, OH, 44087)	9193	603389032	9/16/14	HYDROCODONE BITARTRATE 5MG/ACETAMINO	5	REDACT	Par Pharmaceutical	N	REDACTE			x	x	x
8	MEDINA, OH	BD1270951	DISCOUNT DRUG MART (4044 FISHCREEK RD, STOW, OH, 44224)	9193	603389128	9/24/14	HYDROCODONE BITARTRATE & ACETA 7.5MG	7.5	REDACT	Par Pharmaceutical	N	REDACTE			x	x	x
9	MEDINA, OH	BD1270951	DISCOUNT DRUG MART (4044 FISHCREEK RD, STOW, OH, 44224)	9193	591034905	12/31/08	HYDROCODONE BIT 5MG/ACETAMINOPHEN 50	5	1,500	Actavis Pharma, Inc.	N	9,700			x	x	x
10	MEDINA, OH	BD7351466	DISCOUNT DRUG MART #64 (5863 DARROW RD, HUDSON, OH, 44236)	9193	591038705	7/24/07	HYDROCODONE BITARTRATE 7.5MG/ACETAMI	7.5	500	Actavis Pharma, Inc.	N	4,200			x	x	

Narrative Response - Plaintiffs contend that the following orders, which were distributed by HBC Service Company constitute Suspicious Orders as defined under 21 C.F.R. § 1301.74(b):

Suspicious Order No.	Distributor	Buyer DEA Number	Name, Address, and Store Number of Buyer	Base Code	NDC Code	Date of Order	Product Name	Dosage Strength	Dosage Units	Labeler*	Due Diligence Performed Y/N	Total Base Code Dosage Units Distributed by HBC Service Company to this location in month of order	Meets 2 Times Rule	Meets 3 Times Rule	Meets Common Sense Method 2	Meets Common Sense Method 3	McKesson 8000 Rule
1	WASHINGTON, PA	BG7042891	GIANT EAGLE PHARMACY #4031 NA (41 5TH STREET SE, BARBERTON, OH, 44203)	9193	603388128	1/30/12	HYDROCODONE.BIT. & ACETA 5MG & 500M	5	1,500	Par Pharmaceutical	N	47,290	x	x	x	x	x
2	WASHINGTON, PA	BG7042891	GIANT EAGLE PHARMACY #4031 NA (41 5TH STREET SE, BARBERTON, OH, 44203)	9193	603388128	10/31/11	HYDROCODONE.BIT. & ACETA 5MG & 500M	5	1,500	Par Pharmaceutical	N	44,250	x	x	x	x	x
3	WASHINGTON, PA	AG2819540	GIANT EAGLE PHARMACY #4124 NA (484 EAST WATERLOO RD, AKRON, OH, 44319)	9193	603388128	3/30/11	HYDROCODONE.BIT. & ACETA 5MG & 500M	5	1,000	Par Pharmaceutical	N	25,730	x		x	x	x
4	WASHINGTON, PA	AG2819540	GIANT EAGLE PHARMACY #4124 NA (484 EAST WATERLOO RD, AKRON, OH, 44319)	9193	603388128	10/28/11	HYDROCODONE.BIT. & ACETA 5MG & 500M	5	1,000	Par Pharmaceutical	N	25,450			x	x	x
5	WASHINGTON, PA	BG7543172	GIANT EAGLE PHARMACY #4029 NA (2801 EAST WATERLOO ROAD, AKRON, OH, 44312)	9193	603388128	1/28/13	HYDROCODONE.BIT. & ACETA 5MG & 500M	5	REDACTED	Par Pharmaceutical	N	REDACTED			x	x	x
6	WASHINGTON, PA	BG7543172	GIANT EAGLE PHARMACY #4029 NA (2801 EAST WATERLOO ROAD, AKRON, OH, 44312)	9193	603388128	12/30/12	HYDROCODONE.BIT. & ACETA 5MG & 500M	5	1,000	Par Pharmaceutical	N	21,960			x	x	x
7	WASHINGTON, PA	BG7543209	GIANT EAGLE PHARMACY #4030 NA (205 WEST AVE, TALLMADGE, OH, 44278)	9193	603388128	11/30/11	HYDROCODONE.BIT. & ACETA 5MG & 500M	5	1,000	Par Pharmaceutical	N	21,790			x	x	x
8	WASHINGTON, PA	BG7543209	GIANT EAGLE PHARMACY #4030 NA (205 WEST AVE, TALLMADGE, OH, 44278)	9193	603388128	2/24/12	HYDROCODONE.BIT. & ACETA 5MG & 500M	5	1,000	Par Pharmaceutical	N	20,260			x	x	x
9	WASHINGTON, PA	FG0138873	GIANT EAGLE PHARMACY #5878 NA (230 HOWE RD, CUYAHOGA FALLS, OH, 44221)	9193	406036005	12/29/12	HYDROCODO.BIT/APAP 7.5MG/750MG USP T	7.5	500	SpecGx LLC	N	16,930			x	x	x
10	WASHINGTON, PA	FG0138873	GIANT EAGLE PHARMACY #5878 NA (230 HOWE RD, CUYAHOGA FALLS, OH, 44221)	9193	603388128	1/18/13	HYDROCODONE.BIT. & ACETA 5MG & 500M	5	REDACTED	Par Pharmaceutical	N	REDACTED			x	x	x

Suspicious Order No.	Distributor	Buyer DEA Number	Name, Address, and Store Number of Buyer	Base Code	NDC Code	Date of Order	Product Name	Dosage Strength	Dosage Units	Labeler*	Due Diligence Performed Y/N	Total Base Code Dosage Units Distributed by McKesson Corporation to this location in month of order	Meets 2 Times Rule	Meets 3 Times Rule	Meets Common Sense Method 2	Meets Common Sense Method 3	McKesson 8000 Rule
1	NEW CASTLE, PA	FT1696232	THE FRED W ALBRECHT GROCERY CO DBA ACME PHARMACY #30 (4302 ALLEN RD SUITE #110, STOW, OH, 44224)	9143	228287811	7/29/14	OXYCODONE HCL 15MG TABLETS, 100 CT	15	REDA	Actavis Pharma, Inc.	N	REDACT	x	x	x	x	x
2	NEW CASTLE, PA	AG2488496	RITE AID OF OHIO, INC. RITE AID #3182 (1047 KENMORE BOULEVARD, AKRON, OH, 44314)	9143	406052301	7/18/11	OXYCODONE HCL/ACETAMINOPHEN 10MG/325	10	1,800	SpecGx LLC	N	32,100	x	x	x	x	x
3	NEW CASTLE, PA	AY3510131	THE FRED W ALBRECHT GROCERY (DBA ACME PHARMACY #18, AKRON, OH, 44314)	9143	406051205	12/17/14	OXYCODONE HCL/ACETAMINOPHEN 5MG/325M	5	REDACT	SpecGx LLC	N	REDACT	x	x	x	x	x
4	NEW CASTLE, PA	AG2819540	GIANT EAGLE PHARMACY #4124 (484 EAST WATERLOO RD, AKRON, OH, 44319)	9193	406035705	3/27/09	HYDROCODONE BIT/ACETAMINOPHEN 5MG/50	5	1,500	SpecGx LLC	N	25,700	x	x	x	x	x
5	NEW CASTLE, PA	AG7960102	RITE AID OF OHIO, INC. RITE AID #3143 (1540 CANTON ROAD, AKRON, OH, 44312)	9143	406055262	3/31/11	OXYCODONE HYDROCHLORIDE 5MG TABS USP	5	1,200	SpecGx LLC	N	22,500	x	x	x	x	x
6	NEW CASTLE, PA	AG2819538	GIANT EAGLE PHARMACY #4036 (2687 STATE ROAD, CUYAHOGA FALLS, OH, 44223)	9193	406035701	3/23/09	HYDROCODONE BIT/ACETAMINOPHEN 5MG/50	5	1,200	SpecGx LLC	N	20,380	x	x	x	x	x
7	NEW CASTLE, PA	BG7543209	GIANT EAGLE PHARMACY #4030 (205 WEST AVE, TALLMADGE, OH, 44278)	9143	406051201	12/26/14	OXYCODONE HCL/ACETAMINOPHEN 5MG/325M	5	REDACT	SpecGx LLC	N	REDACT	x	x	x	x	x
8	NEW CASTLE, PA	AF6536253	FRED W ALBRECHT GROCERY CO (DBA ACME PHARMACY #14, AKRON, OH, 44319)	9193	406036505	7/31/14	HYDROCODONE BIT/ACETA 5MG/325MG USP	5	REDA	SpecGx LLC	N	REDACT	x	x	x	x	x
9	NEW CASTLE, PA	AG7960114	RITE AID OF OHIO, INC. RITE AID #3144 (2975 WEST MARKET STREET, FAIRLAWN, OH, 44333)	9143	406051201	5/31/07	OXYCODONE HCL/ACETAMINOPHEN 5MG/325M	5	1,200	SpecGx LLC	N	18,400	x	x	x	x	x
10	NEW CASTLE, PA	BM0509262	MARCS CHAPEL HILL INC (470 HOWE AVENUE, CUYAHOGA FALLS, OH, 44221)	9193	603388128	2/27/12	HYDROCODONE.BIT. & ACETA 5MG & 500M	5	2,500	Par Pharmaceutical	N	17,400	x	x	x	x	x

Suspicious Order No.	Distributor	Buyer DEA Number	Name, Address, and Store Number of Buyer	Base Code	NDC Code	Date of Order	Product Name	Dosage Strength	Dosage Units	Labeler*	Due Diligence Performed Y/N	Total Base Code Dosage Units Distributed by Prescription Supply Inc to this location in month of order	Meets 2 Times Rule	Meets 3 Times Rule	Meets Common Sense Method 2	Meets Common Sense Method 3	McKesson 8000 Rule
1	NORTHWOOD, OH	BK5109930	KARANT PHARMACY SERVICES DBA: MEDICINE SHOPPE #1065 (3300 GREENWICH ROAD, NORTON, OH, 44203)	9143	406055401	4/9/09	OXYCODONE HYDROCHLORIDE 5MG CAPS	5	1,200	SpecGx LLC	N	2,000					
2	NORTHWOOD, OH	BK5109930	KARANT PHARMACY SERVICES DBA: MEDICINE SHOPPE #1065 (3300 GREENWICH ROAD, NORTON, OH, 44203)	9143	228287811	1/14/13	OXYCODONE HCL 15MG TABLETS, 100 CT	15	REDA	Actavis Pharma, Inc.	N	REDA					
3	NORTHWOOD, OH	BK5109930	KARANT PHARMACY SERVICES DBA: MEDICINE SHOPPE #1065 (3300 GREENWICH ROAD, NORTON, OH, 44203)	9143	228287811	3/18/13	OXYCODONE HCL 15MG TABLETS, 100 CT	15	REDA	Actavis Pharma, Inc.	N	REDA					
4	NORTHWOOD, OH	BK5109930	KARANT PHARMACY SERVICES DBA: MEDICINE SHOPPE #1065 (3300 GREENWICH ROAD, NORTON, OH, 44203)	9193	53746011105	2/2/09	HYDROCODONE/ACETAMINOPHEN 5MG/500MG	5	1,000	Amneal Pharmaceuticals LLC	N	1,000					
5	NORTHWOOD, OH	BK5109930	KARANT PHARMACY SERVICES DBA: MEDICINE SHOPPE #1065 (3300 GREENWICH ROAD, NORTON, OH, 44203)	9193	591034905	5/4/12	HYDROCODONE BIT 5MG/ACETAMINOPHEN 50	5	1,000	Actavis Pharma, Inc.	N	1,000					
6	NORTHWOOD, OH	BK5109930	KARANT PHARMACY SERVICES DBA: MEDICINE SHOPPE #1065 (3300 GREENWICH ROAD, NORTON, OH, 44203)	9143	57664022488	5/17/13	OXYCODONE HCL 30MG TABLETS, USP	30	REDA	Sun Pharmaceutical Industries, Inc.	N	REDA					
7	NORTHWOOD, OH	BD1270951	DISCOUNT DRUG MART (4044 FISHCREEK RD, STOW, OH, 44224)	9143	228287811	2/3/12	OXYCODONE HCL 15MG TABLETS, 100 CT	15	400	Actavis Pharma, Inc.	N	600					
8	NORTHWOOD, OH	BK5109930	KARANT PHARMACY SERVICES DBA: MEDICINE SHOPPE #1065 (3300 GREENWICH ROAD, NORTON, OH, 44203)	9143	60951060270	11/12/12	ENDOCET OXYCODONE HCL 5MG&AC TAB	5	500	Par Pharmaceutical	N	500					
9	NORTHWOOD, OH	BK5109930	KARANT PHARMACY SERVICES DBA: MEDICINE SHOPPE #1065 (3300 GREENWICH ROAD, NORTON, OH, 44203)	9143	10702001801	12/4/14	OXYCODONE HCL 5MG USP TABLETS	5	REDA	KVK-Tech, Inc.	N	REDA					
10	NORTHWOOD, OH	BK5109930	KARANT PHARMACY SERVICES DBA: MEDICINE SHOPPE #1065 (3300 GREENWICH ROAD, NORTON, OH, 44203)	9143	406853001	1/8/10	OXYCODONE HYDROCHLORIDE 30MG TABLET	30	400	SpecGx LLC	N	400					

Suspicious Order No.	Distributor	Buyer DEA Number	Name, Address, and Store Number of Buyer	Base Code	NDC Code	Date of Order	Product Name	Dosage Strength	Dosage Units	Labeler*	Due Diligence Performed Y/N	Total Base Code Dosage Units Distributed by Rite Aid to this location in month of order	Meets 2 Times Rule	Meets 3 Times Rule	Meets Common Sense Method 2	Meets Common Sense Method 3	McKesson 8000 Rule
1	ABERDEEN, MD	AM1573612	RITE AID OF OHIO, INC. RITE AID #3151 (325 EAST WATERLOO ROAD, AKRON, OH, 44319)	9193	406035705	5/28/09	HYDROCODONE BIT/ACETAMINOPHEN 5MG/50	5	5,000	SpecGx LLC	N	32,300	x	x	x	x	x
2	ABERDEEN, MD	AM1573612	RITE AID OF OHIO, INC. RITE AID #3151 (325 EAST WATERLOO ROAD, AKRON, OH, 44319)	9193	406035705	8/29/09	HYDROCODONE BIT/ACETAMINOPHEN 5MG/50	5	4,500	SpecGx LLC	N	30,600	x	x	x	x	x
3	ABERDEEN, MD	AG7960102	RITE AID OF OHIO, INC. RITE AID #3143 (1540 CANTON ROAD, AKRON, OH, 44312)	9193	406035705	4/30/08	HYDROCODONE BIT/ACETAMINOPHEN 5MG/50	5	2,500	SpecGx LLC	N	18,400	x		x	x	x
4	ABERDEEN, MD	AG2488496	RITE AID OF OHIO, INC. RITE AID #3182 (1047 KENMORE BOULEVARD, AKRON, OH, 44314)	9193	603388128	8/29/12	HYDROCODONE,BIT. & ACETA 5MG & 500M	5	2,000	Par Pharmaceutical	N	17,630	x		x	x	x
5	ABERDEEN, MD	AG7960102	RITE AID OF OHIO, INC. RITE AID #3143 (1540 CANTON ROAD, AKRON, OH, 44312)	9193	406035705	12/22/08	HYDROCODONE BIT/ACETAMINOPHEN 5MG/50	5	3,500	SpecGx LLC	N	17,600	x		x	x	x
6	ABERDEEN, MD	BR1243219	RITE AID OF OHIO, INC (T/A RITE AID DISCNT PHCY 1924, AKRON, OH, 44311)	9193	406035705	1/23/07	HYDROCODONE BIT/ACETAMINOPHEN 5MG/50	5	2,500	SpecGx LLC	N	17,300	x		x	x	x
7	ABERDEEN, MD	BR5010258	RITE AID OF OHIO, INC. RITE AID #4296 (1403 WOOSTER ROAD WEST, BARBERTON, OH, 44203)	9193	406036505	6/30/14	HYDROCODONE BIT/ACETA 5MG/325MG USP	5	REDACTED	SpecGx LLC	N	REDACTED	x		x	x	x
8	ABERDEEN, MD	AG2488496	RITE AID OF OHIO, INC. RITE AID #3182 (1047 KENMORE BOULEVARD, AKRON, OH, 44314)	9193	406035705	10/29/08	HYDROCODONE BIT/ACETAMINOPHEN 5MG/50	5	2,500	SpecGx LLC	N	17,200	x		x	x	x
9	ABERDEEN, MD	BR5010258	RITE AID OF OHIO, INC. RITE AID #4296 (1403 WOOSTER ROAD WEST, BARBERTON, OH, 44203)	9193	603388128	12/26/12	HYDROCODONE,BIT. & ACETA 5MG & 500M	5	2,500	Par Pharmaceutical	N	17,100	x		x	x	x
10	ABERDEEN, MD	BR2011067	RITE AID OF OHIO, INC. RITE AID #2456 (4053 SOUTH MAIN STREET, AKRON, OH, 44319)	9193	406035705	12/22/08	HYDROCODONE BIT/ACETAMINOPHEN 5MG/50	5	3,000	SpecGx LLC	N	16,900	x		x	x	x

Suspicious Order No.	Distributor	Buyer DEA Number	Name, Address, and Store Number of Buyer	Base Code	NDC Code	Date of Order	Product Name	Dosage Strength	Dosage Units	Labeler*	Due Diligence Performed Y/N	Total Base Code Dosage Units Distributed by Wal-Mart to this location in month of order	Meets 2 Times Rule	Meets 3 Times Rule	Meets Common Sense Method 2	Meets Common Sense Method 3	McKesson 8000 Rule
1	WILLIAMSPORT, MD	BW5397410	WAL-MART PHARMACY 10-1911 NA (2887 S. ARLINGTON ST, AKRON (S), OH, 44312)	9193	406035701	8/19/13	HYDROCODONE BIT/ACETAMINOPHEN 5MG/50	5	REDA	SpecGx LLC	N	REDACTE			x	x	x
2	WILLIAMSPORT, MD	BW5397410	WAL-MART PHARMACY 10-1911 NA (2887 S. ARLINGTON ST, AKRON (S), OH, 44312)	9193	406035705	12/30/08	HYDROCODONE BIT/ACETAMINOPHEN 5MG/50	5	3,500	SpecGx LLC	N	14,400			x	x	x
3	WILLIAMSPORT, MD	BW6660117	WAL-MART PHARMACY 10-2323 NA (3520 HUDSON DRIVE, STOW, OH, 44224)	9193	406035705	7/31/09	HYDROCODONE BIT/ACETAMINOPHEN 5MG/50	5	500	SpecGx LLC	N	12,400			x	x	x
4	WILLIAMSPORT, MD	BW6660117	WAL-MART PHARMACY 10-2323 NA (3520 HUDSON DRIVE, STOW, OH, 44224)	9193	406036001	8/23/13	HYDROCODONE.BIT/APAP 7.5MG/750MG USP T	7.5	REDA	SpecGx LLC	N	REDACTE			x	x	x
5	WILLIAMSPORT, MD	BW6660117	WAL-MART PHARMACY 10-2323 NA (3520 HUDSON DRIVE, STOW, OH, 44224)	9193	406035705	4/30/09	HYDROCODONE BIT/ACETAMINOPHEN 5MG/50	5	1,000	SpecGx LLC	N	10,700			x	x	x
6	WILLIAMSPORT, MD	BW5397408	WAL-MART PHARMACY 10-1895 NA (3750-I WEST MARKET ST, FAIRLAWN, OH, 44333)	9193	406036001	8/20/13	HYDROCODONE.BIT/APAP 7.5MG/750MG USP T	7.5	REDA	SpecGx LLC	N	REDACTE			x	x	x
7	CRAWFORDSVILLE, IN	BW5397434	WAL-MART PHARMACY 10-1927 NA (8160 MACEDONIA COMMONS BLVD, MACEDONIA, OH, 44056)	9193	406035705	6/30/08	HYDROCODONE BIT/ACETAMINOPHEN 5MG/50	5	500	SpecGx LLC	N	7,800			x	x	
8	CRAWFORDSVILLE, IN	BW5397434	WAL-MART PHARMACY 10-1927 NA (8160 MACEDONIA COMMONS BLVD, MACEDONIA, OH, 44056)	9193	603388728	12/21/11	HYDROCODONE.BIT/ACE T,10MG & 325MG/	10	500	Par Pharmaceutical	N	7,300			x	x	
9	WILLIAMSPORT, MD	BW5397408	WAL-MART PHARMACY 10-1895 NA (3750-I WEST MARKET ST, FAIRLAWN, OH, 44333)	9193	406035705	3/31/11	HYDROCODONE BIT/ACETAMINOPHEN 5MG/50	5	500	SpecGx LLC	N	6,500			x	x	
10	WILLIAMSPORT, MD	BS7669623	SAM'S PHARMACY 10-4750 NA (1189 BUCHHOLZER BLVD, CUYAHOGA FALLS, OH, 44221)	9193	406036001	7/28/11	HYDROCODONE.BIT/APAP 7.5MG/750MG USP T	7.5	500	SpecGx LLC	N	4,400			x	x	

Suspicious Order No.	Distributor	Buyer DEA Number	Name, Address, and Store Number of Buyer	Base Code	NDC Code	Date of Order	Product Name	Dosage Strength	Dosage Units	Labeler*	Due Diligence Performed Y/N	Total Base Code Dosage Units Distributed by Walgreen Co to this location in month of order	Meets 2 Times Rule	Meets 3 Times Rule	Meets Common Sense Method 2	Meets Common Sense Method 3	McKesson 8000 Rule
1	PERRYSBURG, OH	BW4550287	WALGREEN CO. DBA: WALGREENS # 03572 (2645 STATE RD, CUYAHOGA FALLS, OH, 44223)	9193	591034905	6/30/09	HYDROCODONE BIT 5MG/ACETAMINOPHEN 50	5	4,500	Actavis Pharma, Inc.	N	35,620	x		x	x	x
2	PERRYSBURG, OH	BW4139540	WALGREEN CO. DBA: WALGREENS # 03281 (1130 S. ARLINGTON ST, AKRON, OH, 44306)	9143	591074905	5/30/12	OXYCODONE HYDROCHLORIDE 5MG&ACETAMIN	5	3,000	Actavis Pharma, Inc.	N	33,600	x	x	x	x	x
3	PERRYSBURG, OH	BW4550287	WALGREEN CO. DBA: WALGREENS # 03572 (2645 STATE RD, CUYAHOGA FALLS, OH, 44223)	9193	591034905	5/29/09	HYDROCODONE BIT 5MG/ACETAMINOPHEN 50	5	3,000	Actavis Pharma, Inc.	N	33,340	x		x	x	x
4	PERRYSBURG, OH	BW4139540	WALGREEN CO. DBA: WALGREENS # 03281 (1130 S. ARLINGTON ST, AKRON, OH, 44306)	9143	591074905	8/23/12	OXYCODONE HYDROCHLORIDE 5MG&ACETAMIN	5	2,000	Actavis Pharma, Inc.	N	33,000	x	x	x	x	x
5	PERRYSBURG, OH	FW0581480	WALGREEN CO. DBA: WALGREENS #11143 (3009 W. MARKET ST., FAIRLAWN, OH, 44333)	9143	591093201	11/28/11	OXYCODONE.HCL/APAP 10MG/325MG TABS	10	2,500	Actavis Pharma, Inc.	N	29,700	x	x	x	x	x
6	PERRYSBURG, OH	BW6026668	WALGREEN CO. DBA: WALGREENS # 04776 (900 WOOSTER RD NORTH, BARBERTON, OH, 44203)	9143	591074905	12/30/09	OXYCODONE HYDROCHLORIDE 5MG&ACETAMIN	5	2,500	Actavis Pharma, Inc.	N	29,100	x	x	x	x	x
7	PERRYSBURG, OH	FW0581480	WALGREEN CO. DBA: WALGREENS #11143 (3009 W. MARKET ST., FAIRLAWN, OH, 44333)	9143	591074905	3/31/11	OXYCODONE HYDROCHLORIDE 5MG&ACETAMIN	5	2,500	Actavis Pharma, Inc.	N	27,800	x		x	x	x
8	PERRYSBURG, OH	BW4129892	WALGREEN CO. DBA: WALGREENS # 03279 (1303 COPLEY ROAD, AKRON, OH, 44320)	9143	591074905	1/26/11	OXYCODONE HYDROCHLORIDE 5MG&ACETAMIN	5	3,000	Actavis Pharma, Inc.	N	27,700	x	x	x	x	x
9	PERRYSBURG, OH	BW4129892	WALGREEN CO. DBA: WALGREENS # 03279 (1303 COPLEY ROAD, AKRON, OH, 44320)	9143	591074905	12/21/12	OXYCODONE HYDROCHLORIDE 5MG&ACETAMIN	5	10,000	Actavis Pharma, Inc.	N	27,100	x	x	x	x	x
10	PERRYSBURG, OH	BW6026668	WALGREEN CO. DBA: WALGREENS # 04776 (900 WOOSTER RD NORTH, BARBERTON, OH, 44203)	9143	591074905	11/16/09	OXYCODONE HYDROCHLORIDE 5MG&ACETAMIN	5	2,500	Actavis Pharma, Inc.	N	26,400	x	x	x	x	x

I. Henry Schein**Background**

Henry Schein, Inc., (“Henry Schein”) like the other Distributor Defendants in this case, is a registered wholesale distributor of controlled substances. However, unlike the other Distributor Defendants, Henry Schein is unique in that it is the “largest distributor of healthcare products and services to office-based practitioners in the combined North American and European markets” whose customers include “dental practices . . . physician practices, and animal health clinics.”¹

In 2015, Henry Schein reported that its sales reached a record \$10.4 billion and that it had grown at a compound annual rate of approximately 16 percent since becoming a public company in 1995. Overall, it is the world’s largest provider of health care products and services to office-based dental, animal health, and medical practitioners.

II. Orders Plaintiff Summit County Contends Were Suspicious:

Plaintiff Summit County identifies the following 14 orders that Henry Schein shipped to Dr. Brian Heim (“Heim”) as orders that Henry Schein knew or should have known were Suspicious Orders:

	DATE	MEDICATION	MANUFAC- TURER	AMOUNT	NAME OF PERSON SHIPPED TO	LOCATION OF PERSON SHIPPED TO
1	8/17/2011	Hydrocodone/ Apap Tablets	Unknown	1 bottle – 500 tablets	Dr. Brian Heim	3562 Ridge Park Drive, Ste. A, Akron, OH
2	9/19/2011	Hydrocodone/ Apap Tablets	Unknown	1 bottle – 500 tablets	Dr. Brian Heim	3562 Ridge Park Drive, Ste. A, Akron, OH
3	10/10/2011	Hydrocodone/ Apap Tablets	Unknown	1 bottle - 500 tablets	Dr. Brian Heim	3562 Ridge Park Drive, Ste. A, Akron, OH
4	10/24/2011	Hydrocodone/ Apap Tablets	Unknown	1 bottle – 500 tablets	Dr. Brian Heim	3562 Ridge Park Drive, Ste. A, Akron, OH
5	11/11/2011	Hydrocodone/ Apap Tablets	Unknown	2 bottles - 1000 tablets	Dr. Brian Heim	3562 Ridge Park Drive, Ste. A, Akron, OH
6	12/05/2011	Hydrocodone/ Apap Tablets	Unknown	2 bottles – 1000 tablets	Dr. Brian Heim	3562 Ridge Park Drive, Ste. A, Akron, OH

¹ See, HSI-MDL-00040712.

	DATE	MEDICATION	MANUFACTURER	AMOUNT	NAME OF PERSON SHIPPED TO	LOCATION OF PERSON SHIPPED TO
						Ste. A, Akron, OH
7	01/10/2012	Hydrocodone/ Apap Tablets	Unknown	2 bottles – 1000 tablets	Dr. Brian Heim	3562 Ridge Park Drive, Ste. A, Akron, OH
8	02/06/2012	Hydrocodone/ Apap Tablets	Unknown	2 bottles – 1000 tablets	Dr. Brian Heim	3562 Ridge Park Drive, Ste. A, Akron, OH
9	02/29/2012	Hydrocodone/ Apap Tablets	Unknown	2 bottles – 1000 tablets	Dr. Brian Heim	3562 Ridge Park Drive, Ste. A, Akron, OH
10	02/29/2012	Hydrocodone/ Apap Tablets	Unknown	2 bottles – 1000 tablets	Dr. Brian Heim	3562 Ridge Park Drive, Ste. A, Akron, OH
11	03/14/2012	Hydrocodone w/Apap Tablet	Unknown	1 bottle – 500 tablets	Dr. Brian Heim	3562 Ridge Park Drive, Ste. A, Akron, OH
12	04/24/2012	Hydrocodone w/Apap Tablet	Unknown	2 bottles – 1000 tablets	Dr. Brian Heim	3562 Ridge Park Drive, Ste. A, Akron, OH
13	05/21/2012	Hydrocodone w/Apap Tablet	Unknown	2 bottles – 1000 tablets	Dr. Brian Heim	3562 Ridge Park Drive, Ste. A, Akron, OH
14	06/05/2012	Hydrocodone w/Apap Tablet	Unknown	2 bottles – 1000 tablets	Dr. Brian Heim	3562 Ridge Park Drive, Ste. A, Akron, OH

III. Criteria Plaintiff Used to Identify the Above Orders As Suspicious

A. Henry Schein had a Duty to Identify When an Order is Likely to Be Diverted by Performing the Due Diligence Required of all Distributors.

The Controlled Substances Act (“CSA”) and its implementing regulations, as well as Ohio common law require distributors of controlled substances to register with the Drug Enforcement Administration (“DEA”). As registrants, distributors play a vital role in preventing diversion and therefore have a duty to perform due diligence prior to their distribution of controlled substances.

For example, pursuant to the CSA, distributors have a duty to report suspicious orders of controlled substances. An order is suspicious when it is likely to be diverted or has the potential for diversion from legitimate channels. Title 21 CFR 1301.74(b), specifically requires that a registrant “design and operate a system to disclose to the registrant suspicious orders of controlled substances.” Registrants must conduct an independent analysis of suspicious orders prior to completing a sale to determine whether the controlled substances are likely to be diverted from legitimate channels. Moreover, “[r]egistrants that fill these orders (potential suspicious orders), without first determining that the order is not being diverted into other than legitimate medical, scientific, and industrial channels, may be failing to maintain effective controls against diversion. Failure to maintain effective controls against diversion is inconsistent with the public interest as that term is used in 21 USC 823 and 824, and may result in the revocation of the registrant’s DEA Certificate or Registration.”²

In order to prevent diversion, distributors must have specific due diligence requirements and must “Know Their Customer” prior to shipping controlled substances to a particular client. In April 2011, the DEA further outlined the “Know Your Customer” requirements for distributors by expressly outlining the kinds of questions a distributor should ask customers seeking to purchase controlled substances.³ For practitioner customers – which make up the majority of Henry Schein’s customer base – the DEA specifically identified the following questions:

- What is the practitioner’s specialty, if any (family practice, oncology, geriatrics, pain management, etc.)?
- Do the controlled substances being ordered correspond to his specialty or the treatment he provides?
- What method of payment does the practitioner accept (cash, insurance, Medicare) and what is the ratio of each?
- Has the practitioner ever been disciplined by any state or federal authority?
- How many patients does the practitioner see each day? What is his weekly average?
- Does the practitioner prescribe as well as dispense?
- Why does the practitioner prefer to dispense as opposed to prescribe?
- Who was the practitioner’s previous supplier? Are they still ordering from this supplier? If not, why are they looking for a new supplier?
- Do the hours of operation and the facility accommodate the type of practice being conducted?
- Does the practitioner’s office have security guards on-site? If so, why?
- Are all applicable state, federal, local licenses current and are they issued for the registered address at which the practitioner is practicing?
- Does the practitioner see out of state patients? If so,
 - o From what states,
 - o How many,

² *Id.*

³ DEA, “Suggested Questions a Distributor should ask prior to shipping controlled substances,” *available at* https://www.deadiversion.usdoj.gov/mtgs/pharm_industry/14th_pharm/levinl_ques.pdf (April 2011).

- o Approximate ratio of out of state compared to local, and
- o Why, specifically, they travel so far to see him?
- Can the practitioner provide a blank copy of an agreement which they enter into with a patient, specifying the course of treatment, the patient rights and responsibilities, and reasons for termination of treatment?
- Does the practitioner conduct random unannounced drug testing?
- What measures does the practitioner employ and/or monitor to prevent addiction and diversion of controlled substances?
- Are there more than one practitioner dispensing controlled substances from the registered location?
- Do you order for just yourself or for the whole clinic?
- What controlled substances are you currently dispensing? (If only one or two controlled substances are being ordered, have the practitioner fully explain why he administers or dispenses only these specific controlled substances).
- In what dosage levels is the practitioner dispensing (2 tablets, 4 times a day, for 30 days, or 90, 120, 240 a week, month).
- Does the practitioner prescribe as well as dispense to his patients?
- Does the practitioner prescribe the same controlled substances as were dispensed to the patient?
- How many patients is the practitioner presently treating (day, week, and month)?

B. Henry Schein Failed to Exercise Due Diligence in its Evaluation of Dr. Brian Heim as a Customer.

Notwithstanding its obligations and the DEA's express guidance, Henry Schein failed to exercise sufficient due diligence before shipping the orders noted above. To the contrary, documents produced by Henry Schein show that, prior to shipping controlled substances to Heim, Henry Schein merely confirmed that Heim's licensure was in active status and sent Heim a one-page questionnaire on August 17, 2011.⁴

C. Heim's Orders Were So Suspicious that Henry Schein Knew or Should Have Known that they were being Diverted

Had Henry Schein performed any of the due diligence it was required to perform by law, it would have readily identified orders placed by Brian Heim as being suspicious. For example, Henry Schein never made any inquiry about Heim's prior criminal charges or disciplinary actions. Yet, a simple verification of Heim's Ohio medical license would have shown that in 1998, Heim entered a guilty plea to twenty-four felony counts of theft of drugs and twenty-one felony counts of illegal processing of drug documents.⁵ As a result, Heim's medical license was revoked. He

⁴ See, HSI-MDL-00001198-1210. On August 23, 2012 – after it had already been providing Brian Heim with controlled substances for nearly a year – Henry Schein sent Brian Heim an additional two-page questionnaire.

⁵ Such a verification can be easily performed through https://elicense.ohio.gov/oh_verifylicense.

was offered treatment in lieu of conviction. Heim's medical license was not reinstated until later with restrictions, and he was placed on probation until January of 2005.

On May 18, 2012, Heim was indicted in the Court of Common Pleas, County of Summit, Ohio, for seven counts of aggravated trafficking in drugs and one count of tampering with evidence. He was arraigned on those charges on June 6, 2012.⁶ Significantly, Henry Schein actually shipped controlled substances to Heim on at least two occasions after he had been indicted in Ohio state court with trafficking in drugs and tampering with evidence.⁷

In addition to failing to ask about Heim's prior disciplinary and criminal record, Henry Schein also failed to ask other fundamental questions that would have alerted Henry Schein to the likelihood of diversion. For example, Henry Schein did not ask Heim about the percentage of controlled substances that Dr. Heim's patients purchased with cash versus other methods (although it did ask the question in general). The red flags relating to Heim's purchase of controlled substances were so clear that, in as early as 2008, a patient calling Purdue Pharma referenced Heim's suspicious practices and noted his prior disciplinary record.⁸ From January 2010 through December 2011, Heim was actually listed as the **11th top prescriber of Oxycodone/APAP in the W103 – Akron, OH Territory**.⁹ Despite this, Henry Schein's due diligence file for Brian Heim does not reflect a single site visit to Heim's office.

Finally, filings in the action to recover civil penalties from Heim for his violations of federal drug laws note that the volume of Heim's purchases was so suspicious that in July 2012, a DEA Diversion Investigator reviewing ARCOS data noted that Heim was "purchasing extraordinarily large amounts of hydrocodone/APAP tablets from the pharmaceutical wholesaler Henry Schein" and obtained an administrative warrant to inspect Heim's records because of this.¹⁰

Yet, even though Henry Schein suspended Heim's orders on two occasions, it never reported any of Heim's orders as suspicious to the DEA. In fact, even on the two occasions when Henry Schein held an order placed by Heim, Schein's records indicate that it nevertheless shipped an order to Heim on the following day.

In sum, given Heim's past criminal and disciplinary history, his reputation in the community, his current criminal charges, and his excessive orders of controlled substances, the orders referenced above were so suspicious that there was no amount of due diligence that Henry Schein could have performed so as to remove every basis of suspicion that Heim was engaged in diversion. The above is a clear example of Henry Schein's failure in due diligence for "onboarding" new customers.

⁶ See, *United States v. Brian D. Heim, M.D.*, Case No 5:13-cv-210, Memorandum Opinion and Order of January 22, 2014 (District Judge Sara Lioi), at 4 ("Judge Lioi Order"); *also see*, May 8, 2013 Letter with Attachments to Dr. Brian Heim from the State Medical Board of Ohio, at Exhibit 1.

⁷ See, Order No. 13 (05/21/2012) and Order No. 14 (06/05/2012) identified above.

⁸ See, PPLPMDL0030005508 (April 17, 2008 email from Purdue's Nancy Crudele, Senior Manager of Medical Services, to Purdue's Joan Zooper, Corporate Counsel, summarizing a patient call regarding Dr. Brian Heim).

⁹ See, ACTAVIS0925276.

¹⁰ See, Judge Lioi Order, at 5.